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55TH CONGRESS, 2d Session. } SENATE. { REPORT No. 659.

COMMITTEE ON CIVIL SERVICE AND RETRENCHMENT.

EXAMINATION

OF

THE CIVIL SERVICE,

AND

INQUIRY AS TO CERTAIN DISCHARGES AT THE SOUTH OMAHA BUREAU OF ANIMAL INDUSTRY.

REPORT AND TESTIMONY.

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55TH CONGRESS, 2d Session. } SENATE. { REPORT No. 659.

CIVIL SERVICE.

MARCH 9, 1898.—Ordered to be printed.

Mr. PRITCHARD, from the Committee on Civil Service and Retrenchment, submitted the following

REPORT.

[To accompany Senate Res. No. 18.]

The Committee on Civil Service and Retrenchment, having had under consideration the following resolution of the Senate—

Resolved, That the Committee on Civil Service and Retrenchment be, and they are hereby, directed to examine and report to the Senate if Doctor W. S. White, William Holmes, John Zeller, Mary A. Dalton, and Mary Flynn, or any of them, were dismissed from their positions as microscopists in the Bureau of Animal Industry at South Omaha, in the State of Nebraska, and, if so, for what reason or reasons; and if for a political reason or reasons, whether the dismissal was justified under the law governing the civil service, and what authority or jurisdiction the Civil Service Commissioners have to correct such an abuse of power, and if they have taken any steps to do so, and whether they have the necessary force and means at their disposal to make a thorough and prompt investigation; and, further, to examine the operation of the law creating the Civil Service Commission and report whether the same should be continued, amended, or repealed—

submit the following report: The committee have made thorough inquiry into the civil service of the Government, and have held extensive hearings, during which the entire ground mentioned in the resolution was covered.

The Executive order of May 6, 1896, virtually completed the extension of the classified service. With the exception of those offices to which appointments are made by the President, by and with the advice and consent of the Senate, comparatively few places above the grade of laborers are not now in the classified service. One President after another has undertaken to limit his own power of appointment and removal and to substitute for his own will and that of his advisers a system whereby the fitness of the applicant, as certified by an independent commission, has been exchanged for arbitrary appointment. Also, removal from office has been limited to cases of inefficiency.

The order of May 6, 1896, placed in the classified service more than 31,000 places, the great majority of which had been filled by persons of the political party at that time in power. Many of these persons were more or less incompetent. They had not been admitted through examination, and naturally there is a strong feeling that these people should

not receive the benefit of the classified service. The insistence on the apportionment of appointments among the States and the prompt removal of inefficient clerks and other employees will do much to remedy this evil.

The question before the committee now is as to whether present classification is too extensive for the good of the service.

If such shall be found to be the case, two further questions arise: First, whether some of the places now classified should not be excluded; and, secondly, whether the Executive has the power, independent of additional legislation, to make the exceptions that may be needed.

After a careful examination of the present conditions relative to appointments to the civil service, the committee is of the opinion—

First, that the Executive has the power to make such modifications as may be found advisable, and therefore no legislation is needed.

Secondly, the committee is agreed that the classification has been too extensive, and that certain places that have been classified should be excluded from classification, so that appointments may be made to them, not through examination, but at the pleasure of the head of the department or bureau.

The committee, therefore, is of the opinion that the President should make certain modifications in the existing civil-service rules and should restore to the heads of departments and the heads of bureaus the appointment of certain classes of officials. The committee, however, recognizes that its province in the matter is purely advisory, since it has no legislation to propose.

In making these recommendations the committee is acting upon the opinions of the heads of departments and bureaus, based on their experience, and also upon the testimony of those who have been and who are in a position to make their opinions and their advice valuable.

TREASURY DEPARTMENT.

The committee recommend that deputy collectors in the Internal-Revenue Service be excluded from the classified service. These officials occupy toward the collectors under whom they serve places of peculiar responsibility; usually separated from their chiefs in such a way that they can not come under their immediate supervision. In fact, within the territory assigned to them by the collector, they have all the authority that he has, and he is directly responsible for their actions. If a deputy commits a tort, the collector is responsible; if a deputy embezzles, it is the collector who is liable to the Government. Moreover, the term of the deputy expires with that of the collector. Section 3148 of the Revised Statutes is explicit in fixing the mutual responsibilities and duties of the collectors and deputy collectors; the statute recognizes the personal relations that exist between the two, and these relations should not be disturbed. The collector is under the strongest obligation to appoint men who are at once capable and responsible, and he should not be held personally accountable for the actions of agents whom he has no choice in selecting.

The committee would advise also that the position of Deputy Commissioner of Internal Revenue be excluded from the classified service. It often happens that the Deputy Commissioner is called upon to act as Commissioner, and even when he is not so acting his duties are more largely executive than clerical, and therefore he should be outside the classified service.

Also internal-revenue agents, who are made by section 3152 of the

Revised Statutes employees of the Commissioner of Internal Revenue, and of him alone, should be excluded from the classified service, if, indeed, they have ever been classified, on which point there seems to be some question. These employees come under the head of temporary appointments, and should not be classified. Likewise those storekeepers and gaugers who are paid $3 a day or less, and who are in most instances employed temporarily, should not be classified.

The committee adopts the recommendations of Secretary Gage contained in a communication to the Senate dated January 4, 1898, in which he suggests that certain employees in the Light-House Service be excluded from the classified service; also, that the position of paymaster in the New York custom-house and the position of shipping commissioner at the various ports be excluded. To these should be added the local inspectors of hulls and of boilers.

It appears from the evidence before the committee that the character of the custodian service has not been improved by classification; it is therefore recommended that all positions in the custodian force, including elevator conductors, firemen, janitors, dynamo tenders, and employees of a similar character, be excluded from the classified service. Not a little of the friction that has occurred in the administration of the civil-service law in regard to the appointment of messengers, custodians of public buildings, and the like has arisen by reason of erroneous or hasty classifications made by the heads of departments and bureaus, and is not due to the Civil Service Commission.

DEPARTMENT OF JUSTICE.

Assistant attorneys and special agents in the Department of Justice should be excluded from the classified service. Deputy marshals should not be classified, for the same reasons that obtain in the case of deputy collectors of internal revenue. Assistant district attorneys have not been classified, and should not be.

DEPARTMENT OF THE INTERIOR.

The committee have carefully considered the recommendations of the Secretary of the Interior, and suggest that the following-named places in that Department be excluded from the classified service:

Office of the Secretary:
- The chief clerk of the Department.
- The special land inspectors.

Office of the First Assistant Secretary:
- 1 clerk to act as private secretary or confidential clerk.

Office of the Assistant Secretary:
- 1 clerk to act as private secretary or confidential clerk.
- The members of the Board of Pension Appeals, attorneys.

Office of the Assistant Attorney-General for the Interior Department:
- 1 clerk to act as private secretary or confidential clerk.
- The assistant attorneys of the office.

The General Land Office:
- 1 chief clerk of the Bureau.
- 1 clerk to act as private secretary or confidential clerk.
- 1 depositary to the Commissioner, acting as receiver of public moneys; a bonded officer.
- Inspectors of surveyors-general in district land offices.
- Special agents for examination of surveys.
- Special agents, unspecified service, but assigned to depredations on public timber, protecting public lands and swamp lands, etc., varying in number according to the requirements of the service.

The General Land Office—Continued.
- Law examiners and law clerks (2 of each grade).
- Inspectors of coal mines in the Territories (Presidential appointments not confirmed by the Senate, but included in the classified service).
- Clerks employed temporarily in and contest clerks in local land offices; paid from special deposits, not Government funds.
- Clerks employed temporarily in and per diem clerks in the offices of the surveyors-general; paid from special deposits, not Government funds.

Office of Indian Affairs:
- 1 clerk to act as private secretary or confidential clerk.
- Special Indian agents.
- Special agents for the allotment of lands in severalty.
- All special commissioners to negotiate with the Indians for any purpose whatsoever.
- Supervisors of Indian schools.
- Examiners of Indian timber lands.
- Engineers to make surveys of reservation boundary lines and surveyors at Indian agencies.
- Superintendents of warehouses, irrigation, and logging.
- Head clerk at each Indian agency to act as agent during the absence or disability of the agent proper.
- All agency employees of a subordinate character, such as farmer, assistant farmer, blacksmiths, shoemakers, tailors, butchers, herders, harness makers, storekeepers, millers, wheelwrights, nurserymen, painters, carpenters, teamsters, and similar positions, requiring knowledge of trades and manual skill, but not much education.
- Indian school employees, such as cooks, laundress, seamstress, watchmen, bakers, nurses, janitors, tinners, dairymen, firemen, shoe and harness makers, and other occupations similar in character, requiring no great educational qualifications.

Pension Office:
- 1 chief clerk of the Bureau.
- 1 clerk to act as private secretary or confidential clerk.
- The medical referee of the Bureau.
- Special examiners to investigate fraudulent and other pension claims.

Pension agency service:
- 1 chief clerk at each agency.
- 1 clerk at each agency designated to sign checks for the agent and act as confidential clerk.

Education Office:
- The Alaska school service: Employment therein is temporary in character; difficulty has been experienced in filling positions, owing to great distance to the schools and their comparative isolation, etc.

The Patent Office:
- 1 chief clerk of the Bureau; a bonded officer.
- 1 clerk to act as private secretary or confidential clerk.
- The financial clerk; a bonded officer.
- 1 skilled laborer; a mechanic of sufficient skill to enable him to assist in taking care of and repairing models, etc.
- 1 messenger and property clerk; in charge of the laboring force and of such property as it is necessary to store, clean, or renew from time to time.

The Geological Survey:
- Printers' assistants; boys employed at a nominal compensation.

Miscellaneous:
- The superintendent of the Hot Springs Reservation.

In addition to the above-named places, the committee suggest that the local boards of medical pension examiners and chief clerks in the offices of the surveyors-general should not be classified.

PRIVATE SECRETARIES.

In several of the departments there are assistant secretaries and bureau chiefs whose offices are only less important than is the office of the Secretary himself. Each of these assistant secretaries or bureau chiefs should have the right to appoint, at his own discretion, a private secretary who is personally agreeable to him, and in whom he can repose

a personal confidence. The committee appreciate the fact that private secretaries were placed in the classified service because of an abuse. Officials appointed private secretaries without ever seeing the men appointed, either before or after the appointment. But this abuse can readily be corrected. The removal of actual private secretaries from the classified list will add very much to the smoothness of administering the civil-service laws.

CHIEF CLERKS AND SPECIAL EMPLOYEES.

The chief clerks and chiefs of divisions of the various departments, who must of necessity sustain very close relations with the heads of the respective departments in the matter of carrying out their policies, should be appointed by the head of the department. In the majority of cases the persons thus selected will have had experience in executive work in some portion of the Government service. There is less danger from a personal appointment to an office of this kind than there is danger of securing through the civil service men who are more inclined to observe the minutiæ of the office than they are to render prompt and efficient service in carrying out the plans of the Secretary.

In the Post-Office Department the postal-card, postage-stamp, and stamped-envelope agents, the post-office inspectors; also special agents of the Agricultural and Interior Departments sent out to make special investigations or to perform similar executive work, should be appointed by the heads of the departments, who alone would know the particular personal qualities that they desire in such employees. These officers should be responsible for their places as well as for their work to the head of the department. The State statisticians of the Agricultural Department may also properly be excluded.

NAVY DEPARTMENT.

In the Navy Department the committee believe with the Secretary that it would be well to have competitive examinations held by a board of naval officers for the appointment of certain employees at navy-yards (other than clerks, messengers, and watchmen) whom the Civil Service Commission does not have on its eligible list, or whom the commission is unable to supply without unreasonable delay. And in general, where the commission has not on its eligible lists men fitted for technical positions in any department, the head of the department should have the liberty to make such selections for the particular work as he may see fit. Moreover, names on the eligible lists should remain for at least three years, so as to avoid the unnecessary expense of repeated re-examinations.

GOVERNMENT PRINTING OFFICE.

In the opinion of the committee the classification of the Government Printing Office was not authorized by law. The civil-service law was enacted January 16, 1883, and on January 12, 1895, sections 44, 45, 48, and 49, of chapter 23 of the Supplement of the Revised Statutes of the United States, volume 2, were enacted to provide for the appointment by the Public Printer of a chief clerk, a foreman of printing, and a foreman of binding. It was also made the duty of the Public Printer to employ workmen thoroughly skilled in their respective branches of industry, as shown by a trial of their skill under his direction; also 5

clerks, whose salaries were fixed in the law. Further, the Public Printer was authorized to employ at a rate of wages to be fixed by himself in the interest of the Government, proof readers, laborers, and such other hands as might be necessary for the execution of the orders for public printing and binding authorized by law. He was limited to the employment of the hands absolutely necessary for the public work. This law, by implication, repealed those provisions in the civil-service law which would authorize the President to classify the Government Printing Office.

However, the Government Printing Office has been classified; and if it shall be held that the classification as already made was justified by the terms of the civil-service law, the fact still remains that certain persons are now in the classified service whose positions should not have been classified. This class is made up of persons in what is known as the first group—the skilled laborers—and includes—

First group (all skilled laborers).—Assistant doorkeepers, boxers, captains of watch, charge of charwomen, charge of counting room, charge of delivery room, charge of glue room, charge of gold sweepings, charge of helpers, charge of numbering, charge of piece sewers, charge of sewing machines, charge of stitching machines, charge of warehouse, counters, directresses, doorkeepers, examiners, feeders, firemen, floor hands (not mechanics), folders, gold workers, helpers, hoisters, hydraulic pressmen, knife grinders, leather cutters, leather parers, messengers, numberers, operators, paper cutters, perforators, sawyers, sewers, stablemen, telephone operator, wagon master, wagon messengers, watchmen, yard master.

It may be that in this group there are certain persons who are, as a matter of fact, skilled laborers, but the great majority of the places call for unskilled labor, and, in the opinion of the committee, this group should be rearranged and all places now included in it that do not require a distinct degree of skill on the part of the person employed should be excluded. It appears from the testimony that where places have been improperly classified it is clearly within the power of the President to order such a reclassification as will conform to the law.

In both the Government Printing Office and the Bureau of Engraving and Printing the rule of apportionment of appointments among the States does not prevail. If the Government Printing Office shall remain in the classified service, then every means possible should be taken to apportion the appointments among the various States and to reduce as much as possible the temporary appointments now made from the District of Columbia.

EXCEPTIONS DO NOT INTERFERE WITH THE PRINCIPLE.

The exceptions recommended by the committee do not in any way interfere with the principle of regulating the appointments to the classified service, but merely take from the classified lists those persons whose relations to their chiefs are either of a fiduciary or of an executive nature, the principle being that where an official has to impose peculiar confidence either in the honesty or the executive ability of an officer the selection of that officer should be with the person who is directly responsible for his acts.

REMOVALS.

The recent order of the President in regard to removals seems to have been interpreted more narrowly than in the opinion of the committee the order justifies. While the power of appointment to the civil service may well be regulated so as to open the service impartially to all the

people of the United States under suitable restrictions, the power of removal should be very broad. Where a clerk is deemed by his immediate superior to be inefficient, it is clearly in the line of public policy that that clerk should be discharged, and there should be no impediments placed in the way of such a discharge except such as may be necessary to secure justice to the person removed. That is to say, the person removed for inefficiency should have a right to appeal to the head of the department, but when that appeal has been decided all recourse on the part of the person discharged should end. In no other way can the efficiency of a bureau or a department be maintained. So long as a person is not discharged for political or religious reasons the action of a head of a department should not be questioned. The committee believes that this position should be taken firmly by all heads of departments, for it is clearly in line with both the civil-service law and the recent order of the President covering such cases.

APPOINTMENTS.

The committee further recommends that the President be requested to change existing regulations, so that when a vacancy occurs, and under the rule three names are certified as eligible for such vacancy, the three names shall be forwarded to the local officer in charge of the office where such vacancy exists, and such local officer shall designate the person to be selected for such vacancy, subject to approval by the head of the Department having jurisdiction of such office.

J. C. PRITCHARD.
S. B. ELKINS.
JUSTIN S. MORRILL.

The Committee on Civil Service and Retrenchment, under a resolution of the Senate, have made an extensive and thorough inquiry into the civil service of the Government, and into the operation of the system of appointment by competitive examination. They have examined many witnesses and taken a mass of testimony, which will accompany their report. Much of this testimony is trivial, relates only to individual grievances, and throws no light upon the general working of the civil service. A smaller portion is of real value and deserves to be read in its entirety by all who are interested in the civil service of the Government, and who desire to understand the present system of selection and appointment, as well as the work of the commission, which has been faithful and honest, and which is described at length in the testimony of Mr. Procter. It does not seem to the committee either necessary or desirable to enter into an analysis of all this testimony, or to encumber their report with long extracts from the evidence of different witnesses. To the committee it appears best merely to state briefly the conclusions to which they have been led by their investigations.

The first of these conclusions is that no legislation is required in regard to the civil service. Under the law of 1883 the President of the United States has ample authority to extend or modify, by rules promulgated for that purpose, the conditions of entrance into the civil service of the United States, and to determine the classes of persons in the Government employment to be selected and governed by these rules. If changes in rules or classifications are needed in any direction, they can be made by the President, and they should be intrusted to him in conformity with the sound policy embodied in the law of 1883.

Therefore, as the committee do not intend to propose any legislation, the suggestions which they desire to make are simply suggestions, and nothing more, submitted to the President, to whom full power to make all regulations for the civil service under the system of competitive examination has already been wisely given by law.

As a result of their investigations, it seems to the committee that it would be well that deputy collectors of internal revenue should not be included within the classified service. Under the laws governing the Internal-Revenue Service deputy collectors occupy a confidential position with reference to the collector, who is a bonded officer and pecuniarily responsible for the acts of his deputies. To compel a collector to take deputies in whose selection he has no voice, and then make him responsible for their acts and pecuniarily liable for any defalcation or loss of money by them, seems obviously unjust. Until the position and official duties of deputy collectors of internal revenue are altered by law it does not seem practicable to put them in the classified service and place them on the same footing as other persons employed by the Government who have nothing to do with the collection of money.

There seems no good reason for any further exclusions in the Internal-Revenue Service. Storekeepers, gaugers, and revenue agents should be kept within the classified service.

In the opinion of the committee, the same objection applies to the inclusion within the classified service of deputy collectors of customs who are charged with the collection of money as to deputy collectors of internal revenue. The collector of the port is responsible in such instances, and as he is pecuniarily responsible for these officers he ought to have the right of selection.

Private secretaries, for whom as such appropriation is made by law, ought to be excluded from the classified service. No head of a department, custom-house, or post-office ought to be compelled to take, in the closely confidential capacity of a private secretary, any person not of his own selection. At the same time, this exclusion, if made, ought to be carefully guarded and confined strictly to private secretaries provided for as such by law. No opportunity should be given for admitting a person nominally as private secretary and then assigning him to other duties and placing him in the classified service without examination.

The law officers of the Government, by which are intended assistant district attorneys and deputy marshals, should not be put in the classified service. All law officers of the Government are, in their nature, political appointments, because they may be at any time called upon to carry out and defend the policy of the Administration for the time being, and they should be in political sympathy with the Administration which appoints them. The political character of the law officers of the State is universally recognized under all governments.

With these exceptions, the committee see no reasons for making any exclusions from the service as now classified. In some departments of the Government the committee are of the opinion that unskilled labor has been classified as skilled labor. If they are right in this opinion, these errors of classification should be corrected, for it is against the law to classify unskilled labor.

The committee further recommend that the President be requested to change existing regulations so that when a vacancy occurs and under the rule three names are certified as eligible for such vacancy the three names shall be forwarded to the local officer in charge of the office where such vacancy exists, and such local officer shall designate

the person to be selected for such vacancy, subject to approval by the head of the department having jurisdiction of such office.

In the Pension Office the committee are of the opinion that a complete revision of the system of local examining boards is necessary. As it now stands, some of the boards are in the classified service and some are not, which is in itself a very serious objection, but the trouble lies deeper than this, and requires an amendment of the pension laws. Under the present system of local boards, which are constantly being multiplied, there is no uniformity of rating, and great injustice results to the pensioners, as well as injury to the Government. The boards should be constituted in such a way as to secure uniformity of rating, and should be composed of men who not only have the necessary medical training, but who are also familiar with the pension laws and with the methods of the Department. For the present confused system there should be substituted boards appointed by the Commissioner within the classified service, and sent out from the Department at Washington. This would secure uniformity of rating, justice to the pensioners, and economy and protection to the Government.

It also seems to the committee that the classified service ought to be extended to the Library of Congress and to all persons not unskilled laborers employed in the service of the District of Columbia, and that these extensions would be of great value to the public service.

H. C. LODGE.
E. O. WOLCOTT.
W. A. HARRIS.

The reports filed by other members of the committee, while varying greatly in other respects, agree in finding that there is no need for any legislation to amend the civil-service law.

Notwithstanding this conclusion a number of suggestions to the President are proposed in these reports.

We think it injudicious to venture recommendations under such circumstances.

H. CHILTON.
RICHD. R. KENNEY.

REPORT ON THE DISCHARGES FROM THE BUREAU OF ANIMAL INDUSTRY AT SOUTH OMAHA, NEBR.

The Committee on Civil Service and Retrenchment was directed by a resolution adopted by the Senate March 23, 1897, "to examine and report to the Senate if Dr. W. S. White, William Holmes, John Zeller, Mary A. Dalton, and Mary Flynn, or any of them, were dismissed from their positions as microscopists in the Bureau of Animal Industry at South Omaha, in the State of Nebraska, and, if so, for what reason or reasons; and, if for a political reason or reasons, whether the dismissal was justified under the law governing the civil service, and what authority or jurisdiction the Civil Service Commissioners have to correct such an abuse of power, and if they have taken any steps to do so, and whether they have the necessary force and means at their disposal to make a thorough and prompt investigation."

Acting under the direction of the Senate, the committee made an investigation of the circumstances attending the dismissal from the Government service of the persons named, and with this object in view a subcommittee of the committee held an investigation at the Millard Hotel, Omaha, Nebr., beginning October 21, 1897.

It appears from the testimony taken by the subcommittee that Dr. William S. White, the first of the persons named in the resolution of the Senate, was placed in charge of the microscopic department of the Bureau of Animal Industry, at South Omaha, on the 1st day of September, 1893, and remained in charge thereof until the 15th of November, 1896, when he was removed by Secretary Morton, to whom he owed his appointment. It was Dr. White's duty to oversee the work of from 10 to 16 girls who were employed to examine under the microscope small pieces of meat cut from animals, mainly hogs, that had been slaughtered in the great abattoirs of South Omaha.

It appears that Dr. White had personal relations with the then Secretary of Agriculture; that he had been the teacher of the Secretary's sons, and that he was regarded by the Secretary not only as a competent teacher, but also as a politician of no mean order—one of the two men on whom the Secretary might safely rely to see that the county of Otoe did its political duty. It was the habit of Dr. White to repair to the rooms of the Bureau, which rooms were over the Packers' National Bank, at 8 o'clock each morning, and to apportion to each of the young women, who came a half hour later, 50 little tin cases that contained the tags of meat taken from the animals killed the day before. After this work had been given out, it was Dr. White's duty, as he expressed it, "to be around the building, to verify the work when he was called upon;" and if anybody found trichinæ he was called in to verify the find. That is to say, that if one of the microscopists found trichinæ, they called him and he would examine the piece of meat under the microscope and pronounce judgment.

On first thought it would seem as if this work was of a technical character; but it is the testimony of all those who were engaged that

If any person once saw trichinæ he or she would thereafter have no difficulty in recognizing it. The only qualification of this broad statement is the fact that sometimes the parasites died and became inclosed in a sort of sack, and then it was more difficult to locate the trouble. It appears from the testimony that no meat which was infested with trichinæ was allowed to be packed for export.

Dr. White was accustomed to receive the calls of persons who intended to employ him professionally, but there is a conflict of testimony as to whether he was frequently out of his office during office hours for the purpose of making professional visits. He admits that on one occasion he was called upon to set a man's leg, and on this occasion his son gave out the work, and he was back in his office within a short time after the regular office hour. It appears clearly that it was Dr. White's custom to tell the persons who applied to him for treatment that they must wait until recess or the noon hour; that he was not at liberty to conduct his professional business during Government office hours.

It further appears that office hours for the bureau began at 8.30 o'clock in the morning and ended at 3 o'clock in the afternoon. There were two recesses, each about one-half hour, and an hour and a half at noon to be taken from this time, so that the total office hours in one day in the Bureau of Animal Industry at South Omaha averaged four hours. These hours were quite as long as the exacting work of the assistant microscopists would allow, and each girl was required to complete the examination of 50 boxes a day. On one occasion Mr. L. M. Schibsbey, a tagger attached to the Bureau of Animal Industry, came into the microscopic office at noon and got the numbers of certain cases containing meat infested with trichinæ. Dr. White was absent at the time of his call, and Mr. Schibsbey did not get all the numbers, and through this error certain pork was allowed to go into the export trade when it should have been excluded.

This formed one of the charges of inefficiency against Dr. White, although he explains in his testimony that the fault really was with the packing house, because he called up the house and asked them to check over the numbers so as to be sure there was no mistake, and this the house failed to do.

As showing the nature of the unofficial duties devolved upon Dr. White and Dr. Schirmer (also an employee of the bureau) by the Secretary of Agriculture, Dr. White submits a letter dated "Department of Agriculture, Office of the Secretary, Washington, D. C., June 23, 1894," addressed to him. The last paragraph of this letter is as follows:

> You and Dr. Scheimer (Schirmer) will be largely responsible to the next State convention for the character of the delegation from Otoe. You or he should correspond with Mr. Rolfe, W. A. Cotton, Henry Shewell, and Ed. Shelden, and tell them directly that if they keep the town right the back precincts will be solid. It will be easier to carry that county for sound money in the convention to be held during next August and September than it was last year. There will be no excuse for any miscarriage if the physicians in charge properly attend to the patient now right along.

The letter is signed, "Yours, faithfully, J. Sterling Morton."

Another letter from the Secretary, dated June 5, 1894, says:

> Should Dr. Scheimer (Schirmer) desire to visit McWilliams and Osage, he can get a furlough, I presume, by applying for it at the proper time, so as to permit him to make the trip; and the same applies equally to yourself, no doubt. Write me what the fight about the post-office in Hendricks precinct amounts to, and who, in your judgment, ought to be appointed postmaster. Probably it would be well for you to write to friends in Nebraska City, upon whom you can depend, and stir them up to active labor in the securement of a delegation that shall stand for sound money and the best interests of all the people of Nebraska.

On June 12 the Secretary writes:

Dr. Scheimer (Schirmer) should join with you in every reasonable effort to evangelize the finances of those people in Otoe County who have been misled by the felicitous fallacies upon the money question with which the country has been flooded.

Acting upon these instructions, Dr. White went to Otoe County several times. He presided in one county convention; he attended every State convention as a delegate from Otoe County, except the one in April, 1896, when he was present, but not as a delegate. During his absences he left one of his assistants in charge of the office, signing the reports in blank and leaving them to be filled out and turned in. Dr. White took no part at all in the campaign of 1896, but others connected with the bureau did take part in the campaign, as the Secretary had requested.

It appears that on April 12, 1895, Secretary Morton wrote to Dr. White to the effect that Dr. Salmon, the head of the Bureau of Animal Industry in the Agricultural Department, was quite "set" in the opinion that no pay should be granted to those serving in the Bureau of Animal Industry outside of Washington during ordinary leaves of absence, and suggesting that it would be well for Dr. White to take another office instead of being in with Dr. Ayer, who had the general supervision of the entire work at the Omaha bureau. The Secretary suggested that Dr. White move upstairs, so that his office might be adjacent to or immediately in the room where the microscopists were at work.

On November 16, 1896, after Dr. White's discharge, Mr. John Nordhouse, private secretary to the Secretary of Agriculture, in answer to Dr. White's letter of November 14, wrote:

In the meantime I take the liberty of informing you for your own personal satisfaction that the Secretary's recent action in your case [meaning Dr. White's discharge] was based on what he considered the strongest and most indisputable evidence from several reliable sources as to very decided pernicious political activity upon your part during the recent campaign.

Dr. White afterwards wrote several letters to the Secretary assuring him that he (Dr. White) had taken no part whatever in the campaign. The question arises as to whether it was pernicious political activity or pernicious political nonactivity that caused Dr. White's discharge immediately after the election of 1896.

Turning now to the case of Miss Mary A. Dalton and Miss Mary Flynn, who were also dismissed at the same time with Dr. White, it is necessary, in order to understand their cases, to get a glimpse at the microscopic room. On entering the office in the morning each girl, as has been said, received 50 tin boxes containing samples or tags of meat taken from slaughtered animals. Opening one box at a time, the microscopist would take out the tags, cut out a small portion, moisten it, and prepare it for a microscopic slide. If it was found to contain trichinæ, the fact was verified, either by calling Dr. White, or, in his absence, by calling one of the older employees, and the number of that box was reported back to the packing house, so that the meat might be excluded from the export trade.

During the campaign there were no fewer than ten girls employed as microscopists. As was perhaps natural during that period of excitement, each girl pasted in her particular window the portrait of the candidate whom she favored. Miss Dalton and Miss Flynn had portraits of Mr. Bryan in their windows, as did also Miss Giblin. The testimony shows that every girl, without exception, had her colors up in her window, and that of all the girls Miss Giblin took the most active

part. The girls not only hung their banners on the outer walls, but there were sharp political disputes in the office, although the testimony indicates that these discussions were confined to the recesses and the noon hour. Both Dr. White and the girls seemed to realize that they were under the civil-service rules and that these rules made it improper for such discussions to occur during office hours.

Miss Kassal, for example, testified that she never heard Dr. White discuss politics during working hours, and in fact she never heard him come out directly in politics. She did hear Mrs. Bushnell, who was an ardent Republican, ask him questions as to how he stood, "and he gave his views." Just what these views were does not appear from the testimony, but it is readily inferred that he leaned toward Mr. Bryan. After the discharges had been made known in the office there were some pretty warm words, Miss Giblin in particular taking the part of the persons discharged; whereupon Mrs. Bushnell told Miss Giblin that she would better keep quiet, because if it were not for her "political pull" with Mr. Euclid Martin, the sound-money Democratic postmaster of Omaha, she herself would be discharged.

Among the frequent visitors to the office was Mr. John Zellar, a tagger of the bureau. Just before the election Mr. Zellar came into the office and got into a discussion with Dr. White in regard to the accident in which the train carrying Mr. John P. Irish, the sound-money speaker, ran over and killed a man. Dr. White spoke up and said that he wondered how the Irish party felt about killing the man. At this Mrs. Bushnell arose from behind her microscope and said that Dr. White's remark "struck home;" that her brother was on that train. Dr. White replied: "That does not make any difference," or words to that effect. Mrs. Bushnell retorted that she would remember Dr. White's remark, and that he would be sorry for it. On another occasion, Dr. White told Mr. Conoyer, Postmaster Martin's clerk, that the postmaster could not carry him into the Republican party, and this remark Mr. Conoyer probably repeated to the postmaster.

The testimony of the girls was to the effect that Miss Dalton was scrupulously conscientious and very cautious about her work, although she was somewhat slow; and that Miss Flynn did her work as well as any other girl on the force.

The supervisor of all the work at the South Omaha bureau was Dr. Don C. Ayer, who has already been mentioned. Dr. Ayer's position was that of inspector in charge of meat inspection, Bureau of Animal Industry, South Omaha, Nebr., and at the time of taking testimony he had been connected with the Bureau for over four years. Dr. Ayer testified that he was not a politician and did no political work; that he had no instructions from Mr. Martin or anyone else to participate in the primaries or political meetings.

Dr. White's reports were handed to Dr. Ayer, who sent them to Washington. Usually he gave no particular examination to the reports, and several times his attention was called by the Department to mistakes in the reports, so that at last he made "the examination so close as not to be jacked up by the Department, and went through the reports very carefully. Many times they were incorrect and then they were taken back to the Doctor for his correction, and he corrected them." Dr. Ayer further testified that whenever Dr. White got a call "he went out with his grip to attend the patient," and that he was frequently gone a considerable time to the detriment of the office.

Dr. Ayer testified further that it was the duty of Mr. Holmes "to attend the post-mortem work on hogs." That it was necessary for him,

in order properly to perform that work, to be in a position to see the viscera or internal organs, and also to see the internal walls, the abdominal and thoracic walls of each hog. For a man doing such work there is a place to stand where he can see all this. Mr. Holmes had been ordered to take that position. Dr. Ayer found him several times out of it while work was going on. He told him to take his place and keep it, and many times afterwards he found him not doing duty that way, but sitting in a position where he could not possibly see anything but the backs of the hogs as they passed. The animal might be diseased and unfit for food, and without this close observation of the viscera and of the walls of the carcass, he could not tell whether or not it was sound.

Moreover, Dr. Ayer had met Mr. Holmes repeatedly, after he had reported in the morning for his work, coming down from town on street cars, although he had not been excused. In other words he was neglecting his duty; for it was his business to get permission before he went, and to get it from Dr. Ayer.

Dr. Ayer testified that Mr. Zeller served two terms, and that he was discharged, reinstated, and discharged again. Mr. Zeller did not work directly under Dr. Ayer, but was subject to the same rules in respect to coming and going that all others were under. Dr. Ayer never reported any of the discharged persons directly to the Department, but he did discuss their work with the agents of the Department who visited the bureau from time to time, particularly with Dr. Melvin, Dr. Devoe, and Mr. Edward Shelden, the traveling agents of the Bureau of Animal Industry.

On one occasion Secretary Morton appeared at South Omaha and held a consultation of employees who made complaints against Dr. Ayer as being too hard on them. Dr. Devoe was present on this occasion and acted as the arbitrator. The result of the conference, as Dr. Ayer states it, was that Secretary Morton told the employees collectively that he had placed Dr. Ayer in charge of the work; that he believed Dr. Ayer could do it, and he would give him a chance to do so if he had to get an entire new force to work with. This was about a year before the discharges. The work, however, went on much the same as before, and Dr. White gave the men to understand that his close personal relations with Secretary Morton were such that he (Dr. White) would act as mediator in any case of trouble. Dr. Ayer testified that he never made any charges against Miss Flynn or Miss Dalton.

In the first place they were directly under Dr. White, who was responsible for their work, and Dr. Ayer held Dr. White responsible for the entire work under him and did not come in contact with the individuals. Moreover, Dr. Ayer stood on his manhood in regard to the girls; he held that "it is a pretty mean man who wants to say anything against a woman."

It appears that Dr. Ayer is a veterinary surgeon, and that on one occasion he attended a black horse that had been gored by a steer at the plant of the Hammond Company. He testified, however, that this professional visit was made at noon, and it did not require more than a moment's time to look at the wound and give directions as to the dressing. Dr. Ayer further testified that up to the time of Dr. White's discharge he got no reports of misconduct or inefficiency from any inspector at any abattoir or from Dr. White himself.

Since Dr. White's discharge he has received reports from two different abattoirs relative to misconduct, and the parties have been discharged from the Department for drunkenness. Furthermore, he stated

that the efficiency of the men is 50 per cent better than it was before the discharge of Dr. White. The dismissal of Dr. White showed that others could be discharged, whereas before that time the impression was that nobody could be discharged who was friendly with Dr. White, on account of his influence with Secretary Morton. Therefore, the discharge of Dr. White was salutary as far as the conduct of the office was concerned. When questioned as to the part taken by Postmaster Euclid Martin, of Omaha, who was referred to in the testimony as the patronage disburser of the late Administration for the State of Nebraska, Dr. Ayer said that since the Bureau was put under the civil service, in 1895, he had had no conversation of a political character with Mr. Martin relative to the discharge of men in the Bureau.

Dr. Schirmer, to whom reference has been made as Dr. White's companion in the matter of caring for the politics of Otoe County, testified that Mr. Zeller worked under his direction, and he considered him an efficient man. Dr. Schirmer attacked Dr. Ayer's ability to use the English language, and particularly to spell. When the office was placed under the civil service, on July 1, 1895, all the men in it were Democrats. He himself used to make little jaunts to Otoe County on political matters for Secretary Morton, and when questioned as to whether he accomplished his ends ordinarily, he modestly confessed that he "generally delivered the goods if he had to," but he wanted it to be particulary understood that this political activity occurred before the office was placed in the classified list.

It appears from the testimony of Miss Dalton that Dr. Ayer was in the habit of excusing the assistant microscopists after Dr. White had refused to excuse them.

One of the persons who got such excuses was Miss Gibson, and another was Mrs. Bushnell. Mrs. Bushnell, it appears, was a sister of Mr. Tobias Castor, the national committeeman from Nebraska, at the time Mr. Morton was appointed Secretary of Agriculture.

In the testimony of Mr. Peter W. Sherlock, a tagger, who worked under Dr. Schirmer with Mr. Zeller, it appears that on the 11th day of April the Democratic county central committee of Douglas County held a meeting for the purpose of choosing delegates to a State convention that was afterwards to convene in Lincoln, Nebr. About noon of that day Mr. Zeller asked Mr. Sherlock if he had seen Dr. Ayer, and being answered in the negative, said, "He is looking for you. I met him up the street."

About ten minutes afterwards Dr. Ayer came in and said to Mr. Sherlock: "I want you to go up town this afternoon. They want you at the committee meeting," to which Mr. Sherlock replied, "I am no committeeman." To this Dr. Ayer responded succinctly: "That cuts no ice; they [meaning Messrs. Martin, McHugh, and Sheean] have a proxy for you, and you go up there and skin them." By "them" the Bryan faction was meant. Mr. Sherlock and Mr. Zeller and a Mr. Butler went to the committee meeting, and men were sent to take their places. Mr. Sherlock had the proxy of a man named Schroeder, who had been dead for six months. Mr. Sherlock testified that he was not able to report to Dr. Ayer that the skinning had been accomplished on that occasion. He testified further that he and the inspector named were supposed to be hustled out on all occasions. That is how they got their jobs there—for political activity—and they were supposed to give value received, and this they did to the best of their ability when requested so to do by Dr. Ayer or any of the other men whom they regarded as their political superiors.

The discharges referred to in the resolution of the Senate occurred directly after the election of 1896, and on November 15, 1896, the Omaha (Nebr.) World-Herald contained an article to the effect that "for what seems to be purely a manifestation of political spite, Dr. White, chief microscopist of the Bureau of Animal Industry in South Omaha; John Zeller, a tagger, and Miss Dalton and Miss Flynn, stenographers in the same Bureau, have been dismissed from the service by order of J. Sterling Morton, Secretary of Agriculture, for alleged neglect of work." The paper went on to say that this action was taken, it is alleged, at the instance of Euclid Martin, W. D. McHugh, and Lee Spratlen, all bolters from the Democratic party, and supporters of the Administration. Those who lost their jobs were supporters of Bryan and free silver. Dr. White, the World-Herald said:

Had been in the Bureau of Animal Industry ever since its establishment in South Omaha, and had lived in Otoe County, Morton's home, for twenty-five years. Zeller, although a silverite, had frequently done the work of his goldbug taggers while the latter were out howling for McKinley during the campaign. The stenographers had not used their influence either way, but Messrs. J. J. O'Connor and John Murphy, the men who indorsed them for their positions years ago, were out-and-out silver workers, and the far-reaching hatred of the bolting Democrats apparently directed this as a slap upon the indorsers. The person held responsible in the office from which the young women were dismissed is said to be a sister of Tobe Castor.

Mr. Edward P. Smith inclosed this communication in a letter to the Civil Service Commission. On November 23 Miss Dalton appealed to the commission on the ground that she had been discharged for political reasons instead of for the alleged offense of neglect of duty. Mr. Zeller and Miss Flynn also made similar appeals. The matter was taken up by the Civil Service Commission with the Department of Agriculture. Pending the report of the Secretary of Agriculture, Senator Allen, of Nebraska, also called the attention of the Civil Service Commissioners to the discharges of Dr. White, John Zeller, and Mary A. Dalton, and said that it was stated to him on good authority that those familiar with the facts know that these persons were discharged because they supported Hon. W. J. Bryan at the late election for the Presidency, while those who were against Mr. Bryan were still in the service.

Senator Allen asked the commission to take prompt steps to have these people heard, "so that it may be demonstrated, if that can be done, that civil service, so called, is not a delusion." He also stated that there could not be the slightest doubt, when these complaints had been heard, that these removals had been prompted solely by the fact that the victims were advocates of bimetallism and supporters of Mr. Bryan. The matter was also promptly taken up by lawyers representing the persons discharged.

On December 28, 1896, Secretary Morton wrote to the commission, acknowledging the receipt of their communication of December 24, and replying that the Secretary of Agriculture "does not know whom either of the removed parties supported for President; that he never asked them to support either Bryan, McKinley, Palmer, Levering, or anyone else; that he never inquired whom either of these gentlemen supported, nor does he care whom they supported; nor did he know what candidate for the Presidency the Misses Flynn and Dalton supported, or whether they supported them by speeches alone or by ballot."

"It would be well," adds Secretary Morton, "for the chargers, Senator Allen et al., to state whose election was favored by the Secretary of Agriculture. As to this important matter the communication of Senator Allen and other distinguished lawyers in Nebraska and Kansas is

entirely silent. The removals were made for good reasons. Inclosed find some sworn statements made and filed with this Department since the charges made by Senator Allen were first made."

The first affidavit has reference particularly to the chief microscopist, Dr. W. S. White. Mr. Morton added that in a few days he expected to have other testimony in respect to the incompetency and neglect of duty of the parties removed, and he hoped that it might be of such a character that he could file it for general inspection by Senator Allen and all the balance of the complainants. The original affidavits were to be held in confidence.

Subsequently Secretary Morton did file papers showing inefficiency, which papers were the result of a special investigation made after the discharges.

The Civil Service Commission reached the conclusion that it must accept the statement of the Secretary of Agriculture that the removals were made for the good of the service and not for political or religious reasons.

Subsequently the Civil Service Commission made an investigation at South Omaha. The commission sent one of its agents, Mr. W. H. Huston, to take evidence in regard to the charges against the employees of the Bureau of Animal Industry, the investigation beginning on the 11th of May, 1897. This testimony and report were sent to the Civil Service Commission, and on request were furnished to this committee. The investigation appears to have been adequate, and the report accords in the main with the views of this committee. From Mr. Huston's report the committee make the following extracts:

Like all the veterinarians and physicians on the force there (some six in number) Dr. White has always done more or less professional work outside of office hours. That his practice occasionally encroached on Government time is evident. That it frequently did so, or to any great extent, is doubtful, as his patients were never numerous. If anything, the Doctor appears to have been stricter in attending to his official duties during 1896 than in previous years. It did seem strange that Dr. White should occupy as a private office a room the rent of which was paid for by the Government. This was done, however, from the beginning, and its use seems to have come to be considered by the Doctor as a right—as one of the perquisites of his position. The office question was productive of more or less trouble, however, which culiminated in his being ordered to vacate by Dr. Ayer about September, 1896. The facts as to this seem to have come to Mr. Morton's attention at the time. Dr. White claims that not only was he never warned not to practice medicine, but that he was even encouraged to do so by Mr. Morton himself.

* * * * * * *

Mr. Morton's purpose to discharge Dr. White seems to have been formed but a short time before his removal. As near as I can judge, reports reached Mr. Morton that Dr. White was imposing more or less on his friendship and giving out the impression that because he had a friend at court he was not amenable to discipline and could do this or that as he pleased. In this connection it may be well to state that the improvement claimed to be discernible in the work since the removals is probably due less to the absence of a disturbing cause—a disorganizing force—than to the fact that the discharges served as a tonic to the rest—an incentive to greater diligence lest a like fate overtake them. Complaints also seem to have been made to the Secretary as to the Doctor's political activity. Dr. White was always assuring Mr. Morton that his views on all economic questions were identical with his own. To one with whom the money question rose to the dignity of a moral issue to be receiving word from the Doctor himself that he was a sound-money man, and to be learning from others that he was a rabid silverite, might seem to be such proof of duplicity—such evidence of moral bankruptcy—as to warrant his discharge.

* * * * * * *

Dr. White declares that he did not then and does not now believe in the free coinage of silver, and worked with the sound-money wing of the party until the Chicago convention. Then, and on the score of regularity largely, he supported Mr. Bryan, but only to the extent of voting for him. The doctor appears to be thoroughly conscientious in claiming to have always discharged his official duties to the best of his

ability. The investigation, however, has revealed a state of affairs that, under present conditions, would render the doctor's reinstatement inexpedient in the interests of good administration.

* * * * * * *

In the case of Mr. Zeller, Mr. Huston finds that "while pronounced political activity on the part of Government employees is to be regretted, yet there is no just reason why Mr. Zeller should be singled out for punishment. The evidence as to his efficiency and habits is in his favor."

The same thing generally may be said in regard to Miss Dalton and Miss Flynn. The testimony as to Mr. Holmes would show that he had neglected his duties.

Mr. Huston summarizes his report as follows:

Many of the South Omaha employees had been doing more or less work for their party chiefs for years. Their political activity was not compelled, however, and during recent years at least was neither at the command nor even with the knowledge of the Secretary. Neither Mr. Martin nor any of the other Omaha political leaders appear to have attempted in any way to secure any of the removals complained of. The three stock examiners (Mr. Holmes and two others not mentioned in the Senate resolution) were evidently discharged on account of their low efficiency rating and an adverse report of a special agent of the Department. The other removals were made by Mr. Morton himself. That he was perceptibly, although perhaps unconsciously, affected by political considerations is probable; that he intentionally made the removals for political reasons alone is now shown; that he gave too ready credence to the large and varied assortment of misinformation with which malice appears to have been busy in supplying him seems evident.

* * * * * * *

No instance has been given in which the removed microscopists, Miss Dalton and Miss Flynn, neglected their duties. The weight of the evidence shows they were efficient, conscientious workers, punctual in attendance, and good in deportment.

While this committee would not undertake to state the motives by which Secretary Morton was governed, yet it appears to the committee from the evidence that political considerations were the basis of all the removals except that of Mr. Holmes. The committee is of the opinion that Miss Dalton, Miss Flynn, and Mr. Zeller might properly be reinstated should the present Secretary of Agriculture make a request to that effect.

J. C. PRITCHARD.
H. C. LODGE.
RICHD. R. KENNEY.
JUSTIN S. MORRILL.
S. B. ELKINS.
E. O. WOLCOTT.
H. CHILTON.
W. A. HARRIS.

O

THE CIVIL SERVICE.

TESTIMONY

TAKEN BEFORE

A SUBCOMMITTEE

OF

THE COMMITTEE ON CIVIL SERVICE AND RETRENCHMENT,

UNITED STATES SENATE

RELATIVE TO THE

OPERATION OF THE CIVIL-SERVICE LAW.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1897.

THE CIVIL SERVICE.

Testimony taken before a subcommittee of the Committee on Civil Service and Retrenchment, consisting of Senators Pritchard, Elkins, and Chilton, relative to the operation of the civil-service law.

WASHINGTON, D. C., *April 24, 1897.*

The subcommittee met at 10 o'clock a. m.

Present: Senators Pritchard (chairman) and Chilton. Also Mr. G. R. Wales, of the Civil Service Commission.

The CHAIRMAN. This inquiry is to be pursued under authority of a resolution of the Senate of March 23, 1897, which is as follows:

"*Resolved*, That the Committee on Civil Service and Retrenchment be, and they are hereby, directed to examine and report to the Senate if Dr. W. S. White, William Holmes, John Zeller, Mary A. Dalton, and Mary Flynn, or any of them, were dismissed from their positions as microscopists in the Bureau of Animal Industry at South Omaha, in the State of Nebraska, and if so, for what reason or reasons; and if for a political reason or reasons, whether the dismissal was justified under the law governing the civil service, and what authority or jurisdiction the Civil Service Commissioners have to correct such an abuse of power, and if they have taken any steps to do so, and whether they have the necessary force and means at their disposal to make a thorough and prompt investigation.

"And, further, to examine the operation of the law creating the Civil Service Commission, and report whether the same should be continued, amended, or repealed."

Subsequently, on the 5th instant, the following resolution was agreed to by the Senate:

"*Resolved*, That in considering Senate Resolution No. 28 the Committee on Civil Service and Retrenchment shall have power to send for persons and papers, to administer oaths, and to examine witnesses, under oath, touching the matters which they are hereby empowered to investigate, and may employ a stenographer for said committee; and the necessary and proper expenses incurred in the execution of this order shall be paid out of the contingent fund of the Senate, upon vouchers approved by the chairman of said committee, and said committee may sit by subcommittee, or otherwise, during the sessions and any recess of the Senate, and at such times and places as they may deem expedient."

On behalf of the committee I addressed the following letter to certain heads of Departments:

UNITED STATES SENATE,
Washington, D. C., April 17, 1897.

DEAR SIR: I have been directed by the Committee on Civil Service and Retrenchment to submit the following inquiries for your consideration:

To what extent have civil-service rules been promulgated in your Department?

To what extent, in your opinion, should deputy collectors of internal revenue and deputy United States marshals be included in the classified service?

Should the existing rules of the civil service be modified?

Should the civil-service law be amended, continued, or repealed?

Trusting that I may hear from you at your earliest convenience, I have the honor to be—

Sincerely, yours, J. C. PRITCHARD.

Replies have so far been received from the Secretary of the Treasury and from the Director of the Bureau of Engraving and Printing, which will be inserted in the record.

TREASURY DEPARTMENT.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., April 21, 1897.

DEAR SIR: I have the honor to respond to your letter of the 17th instant as follows:

You ask to what extent have the civil-service rules been promulgated in this Department? In answer thereto I would say that all of the civil-service rules have been promulgated in this Department.

Second. You ask to what extent, in our opinion, should deputy collectors of internal revenue and United States marshals and deputies be included in the classified service? I would say, as to deputy collectors, that as the collectors are responsible for them under their bonds, I think they should have the right to nominate such persons as in their opinion are suitable and trustworthy, and that no appointee should be forced upon them against their will, whether by civil service or any other process.

Third. You ask should the existing rules of the civil service be modified? The question is not free from doubt. Modifications should be slowly and carefully made as time and experience may demonstrate.

Lastly: The civil-service law should not be repealed; it should be continued, and if amended the same course should be observed as in a modification of the rules, namely, after careful inquiry and conservatively as time and experience may indicate.

The opinions above expressed are, of course, my personal opinions.

I have not answered the question regarding United States marshals, as they are not at all related to the Treasury Department.

Very truly, yours,

L. J. GAGE, *Secretary.*

Hon. J. C. PRITCHARD,
Senate Chamber.

BUREAU OF ENGRAVING AND PRINTING.

TREASURY DEPARTMENT,
BUREAU OF ENGRAVING AND PRINTING,
April 23, 1897.

SIR: I have the honor to acknowledge receipt of your letter of the 17th instant, submitting four inquiries for my consideration, as follows:

"To what extent have civil-service rules been promulgated in your Department?"

Prior to 1888 none of the employees of the Bureau were included in the classified service.

On June 29, 1888, in accordance with an Executive order of the President, all of the employees of the Bureau, except those employed as messengers, watchmen, or workmen, were included within the classified service. At the same time, under the operation of special departmental rule No. 1, the following places were exempt from examinations: Chief of Bureau, assistant chief of Bureau, engravers, plate printers, plate cleaners, transferrers, hardeners, provers, pressmen, machinists, plumbers, carpenters, blacksmiths, custodian of proving presses, modeler; custodian of dies, rolls, and plates; two subcustodians, keeper of the vault, and distributors of stock.

On November 2, 1894, messengers and watchmen were added to the classified list requiring examinations.

By the President's order of May 6, 1896, special departmental rule No. 1 was revoked, and all the places excepted by its provisions were made subject to examinations, thus bringing all of the employees of the Bureau under all of the rules governing the civil service except laborers.

"To what extent, in your opinion, should deputy collectors of internal revenue and deputy United States marshals be included in the classified service?"

This question is with reference to a specific branch of the service with which I have had no direct connection. Therefore my opinion should have but little weight as against the officers who are directly connected with that service.

"Should the existing rules of the civil service be modified?"

They should be modified to meet exigencies in the service that may arise from time to time in the enforcement of extensions made and to be made.

"Should the civil-service law be amended, continued, or repealed?"

I believe that the civil-service law has done incalculable good to the governmental service, and while no doubt there are imperfections in the regulations which can only be eradicated by experience, my observation justifies the statement that the civil-service regulations have made possible great reforms in the administration of governmental affairs. I think its repeal would be a detriment to the service over which I preside, as it has been the means of giving us a much better class of employees, and has not proven an obstruction to securing any person desired to perform technical service. I therefore think it should be continued without amendment.

Respectfully, yours,

CLAUDE M. JOHNSON, *Director.*

Hon. J. C. PRITCHARD,
United States Senate, Washington, D. C.

PENSION OFFICE.

The CHAIRMAN. There are several witnesses to be examined this morning. We will first take Mr. Keim.

TESTIMONY OF MORRIS KEIM.

MORRIS KEIM, being duly sworn, testified as follows:

The CHAIRMAN. What is your name?

Mr. KEIM. Morris Keim.

The CHAIRMAN. What is your age?

Mr. KEIM. Sixty-five.

The CHAIRMAN. Where is your residence?

Mr. KEIM. My temporary residence is Washington, D. C. I came from the Pension Office, and am an ex-clerk.

The CHAIRMAN. We will be glad to hear any statement you wish to make in regard to the execution of the law.

Mr. KEIM. Do you wish me to make a statement touching the civil-service rules or law, or in relation to the Department, or covering the whole matter?

The CHAIRMAN. If you have any grievance, you may state it.

Mr. KEIM. My grievance is in the shape of testimony here which I have adduced in my case in the Court of Claims. The principal part of it is in the shape of testimony showing my efficiency, and that I was discharged for inefficiency. This is the principal part, and I will explain, in addition, the particulars and the reason why I was discharged.

The CHAIRMAN. I suggest to you that you can make any statement you desire, and if you wish to refer to any matters contained in your evidence before the Court of Claims you can do so, and we will have them incorporated in the record.

Mr. KEIM. I am not well enough acquainted with the law to know whether it is proper for me to submit before this honorable body a copy of the testimony in the case pending in the Court of Claims. I do not want to violate the rules of the court, but still I wish to submit the evidence if it is proper to do so. The case has not yet been decided, but it will be decided next month, I understand.

Senator CHILTON. Does this paper state your whole case, or do you wish to make some explanation in addition to it?

Mr. KEIM. I can explain the substance, giving a synopsis, in a short time, but this paper gives it.

Senator CHILTON. There is no impropriety at all in your submitting that testimony, because it is a public record, and really it would simplify matters very much, if it covers your entire grievance, to have it in that shape.

The CHAIRMAN. In what branch of the service were you employed?

Mr. KEIM. I was in the Post-Office Department. I passed the regular civil-service examination. I was appointed through the civil service, by virtue of having passed the examination, to a position in the Post-Office Department.

The CHAIRMAN. You stood the civil-service examination and were appointed to a position?

Mr. KEIM. Yes, sir; to a $900 position in the Money-Order Branch of the Post-Office Department.

The CHAIRMAN. As a clerk?

Mr. KEIM. As a clerk at the rate of $900. I served in that capacity, and afterwards——

The CHAIRMAN. How long did you serve?

Mr. KEIM. I served in the neighborhood of a year and a half.

The CHAIRMAN. When were you discharged?

Mr. KEIM. In July, 1894. I was discharged from the Pension Office.

The CHAIRMAN. State the cause of your removal or discharge.

Mr. KEIM. The cause of my removal as given by the Commissioner is inefficiency, which of course I deny, and it can not be substantiated; but the real cause is a conspiracy.

I went to the Sixth Auditor's Office from the Post-Office Department in 1889 or 1890, and served there nearly five years, receiving two promotions for efficiency. I was considered an expert in the Sixth Auditor's Office. I was afterwards, in 1893, transferred to the Pension Office and remained there until 1894.

The CHAIRMAN. What position did you occupy there?

Mr. KEIM. I occupied the position of a $1,200 clerk.

The CHAIRMAN. A $1,200 clerk in the Pension Office?

Mr. KEIM. Yes, sir; having been promoted in the Sixth Auditor's Office from $900 to $1,000 and then afterwards to $1,200.

The CHAIRMAN. How long did you occupy that position?

Mr. KEIM. From March, 1893, to July, 1894, when I was dismissed. During the first eight months of my service in the Pension Office my rating was 96 and a fraction; that is, for eight months' continuous service. This record will bear me out. It gives the whole official statement. Afterwards I was gradually reduced every month a little until they finally fired me.

The CHAIRMAN. How much were you reduced at first?

Mr. KEIM. I was reduced on the record for efficiency gradually every month somewhat.

The CHAIRMAN. Do you mean that they reduced you in pay or in grade?

Mr. KEIM. My grade was lowered each month. I did some important translations in the Bureau and attended to my duties, and I was looked upon and regarded as a very efficient clerk, as shown by the testimony which I submit. Therefore I took the liberty to appear before your committee, to give my views, based upon the policy that the civil-service law ought to be strengthened in order that a man, when he does his duty faithfully, shall not be subjected to the whim of somebody who has a little power to dispose of him.

The CHAIRMAN. Your objection, then, is that you were not permitted to hold the position when you were efficient?

Mr. KEIM. Yes, sir.

The CHAIRMAN. That you had been promoted, and then were dismissed in face of the fact that you were an efficient man; is that the position you take?

Mr. KEIM. Yes, sir.

The CHAIRMAN. Did you make any application to the Civil Service Commission in regard to the matter?

Mr. KEIM. No, sir. Mr. Roosevelt told me at the time that unless I could bring up political reasons or charges that they had no power to do anything in the premises.

The CHAIRMAN. You say he told you that unless you had been dismissed for political reasons they had no power?

Mr. KEIM. They had no power to do anything in the matter.

The CHAIRMAN. That is the reason why you did not take the matter up before the Civil Service Commission?

Mr. KEIM. I did not take it up on that account, because I had no evidence.

The CHAIRMAN. What did you do?

Mr. KEIM. Knowing that I had been treated wrongfully, shamefully, and illegally, especially by the chief, who was not capable of doing any clerical work, hardly, who has been lately dismissed, I appealed for redress to the Court of Claims. In the Court of Claims the Government filed a demurrer, claiming that the court had no jurisdiction in the matter.

The CHAIRMAN. What kind of a suit did you bring before the Court of Claims.

Mr. KEIM. I sued the Government for my pay since I was put out.

The CHAIRMAN. You brought suit for your salary?

Mr. KEIM. Yes, sir; the court overruled the demurrer. It held that under the Revised Statutes, especially as to a disabled ex-Union soldier, and especially on my record, I had a claim and that the case must be decided on its merits. It therefore overruled the demurrer, and now the case is pending, to be tried very likely next month.

The CHAIRMAN. You say you are an ex-soldier.

Mr. KEIM. Yes, sir; I served in Company I, One hundred and fifty-fourth New York Volunteers.

The CHAIRMAN. Have you made any effort to be reinstated since that time?

Mr. KEIM. Yes, sir; I made a few efforts, verbally and through some friends, before I entered suit.

The CHAIRMAN. What were the reasons assigned for not reinstating you?

Mr. KEIM. Inefficiency. The testimony in my case will show that I was not the only victim; that there were lots of men even more efficient than I who were charged with inefficiency and discharged in consequence thereof.

The CHAIRMAN. Why were they discharged? You say they were victimized. Why were they discharged, if it was not on account of inefficiency?

Mr. KEIM. I presume, not knowing other people's affairs, but from rumors—

The CHAIRMAN. You can not presume. If you know anything of your own knowledge you can state it. You do not know of your own knowledge?

Mr. KEIM. No, sir.

The CHAIRMAN. You understand that you were discharged for inefficiency?

Mr. KEIM. Yes, sir.

The CHAIRMAN. That is all you know?

Mr. KEIM. Yes, sir.

The CHAIRMAN. You say your case is now pending in the Court of Claims?

Mr. KEIM. Yes, sir.

The CHAIRMAN. You have the evidence here?

Mr. KEIM. Yes, sir; I have here the evidence which I took in behalf of my case.

The CHAIRMAN. I think you had better file it as an exhibit. You can select such portions of the evidence as bears on the case and leave it with the committee.

Mr. KEIM. I will do so.

The CHAIRMAN. If you can do so, it will save time. You can look over the evidence and select such portions as you would like to have incorporated in the record.

Mr. KEIM. My efficiency is proved by the official record.

Senator CHILTON. Have you an attorney?

Mr. KEIM. Yes, sir; Mr. John C. Chaney and Mr. Luther R. Smith.

Senator CHILTON. If the witness has an attorney, the attorney could put the evidence in very much shorter space and get the substance of it in that way. [To the witness.] Can not your attorney take the evidence and extract from it the vital points and put the statement in good shape and file it here?

Mr. KEIM. Yes, sir; I guess so; and if he should decline to do it, I can do it myself. You refer to the points bearing on my efficiency. Of course any other matter I guess you gentlemen would not want. Here is the evidence of my witnesses who have been with me in the same division, bearing on my efficiency.

The CHAIRMAN. Any evidence on that ground you can submit to the clerk and it will be put into the record.

Mr. Keim subsequently submitted the following letter:

812 MARYLAND AVENUE NE.,
Washington, D C., April 24, 1897.

GENTLEMEN: In compliance with your request, I have the honor to submit herewith a condensed statement of facts in connection with my dismissal from the United States Pension Office at Washington, D. C., on July 13, 1894:

I was charged by the Commissioner of Pensions as being rated as inefficient (p. 26, evidence of M. Keim, No. 19342, Court of Claims). I appealed to the Commissioner of Pensions, Secretary of Interior, the President of the United States, and the United States Civil Service Commissioner for a hearing or investigation, stating that said charge is wrong and can not be sustained, but I was refused a hearing (p. 20, same evidence, No. 19342, Court of Claims). Evidence of my efficiency, character, habits, etc., on page 3, rating for April, May, and June, 1893, averaging 97; pages 4 and 5, my rating averaged 96; page 11 furnishes my official connection with various departments from January, 1866, to July, 1894; page 12 mentions a letter from the chief clerk of the Dead-Letter Office, Post-office Department, relative to the performance of my official duties while there; also in relation to two promotions in the Sixth Auditor's Office, United States Treasury Department, by competitive examinations; page 13 states about my services in the Pension Office (Army and Navy Survivors' Division); page 14 gives the number of cases (395) I adjudicated from November, 1893, to July 13, 1894; also states that the weekly reports of work performed are destroyed; page 15 shows that I wrote over 1,000 letters and ordered several hundred medical examinations in addition to 395 claims adjudicated; page 19 gives an account of my translations furnished the office by request of my superiors; page 22 furnishes a copy of my honorable discharge from the military service of the United States during the rebellion; pages 24 and 25 gives testimonials of my conduct and efficiency, and also page 28; pages 31, 32, 33, and 34 show the inconsistency and arbitrary way good clerks were discharged and poor ones retained, etc.; pages 35 and 36, testimony of Mr. Charles Hedges, states my record and efficiency; page 38 explains its disregard of good clerks, and especially ex-Union soldiers, etc., also pages 41 and 42 and 44.

Claimant's (M. Keim) evidence in rebuttal No. 19342: Morris Keim *v.* The United States, pages 2 and 3, gives a statement of how the United States civil-service rules are violated, etc.; pages 6, 7, 8, and 9 furnish evidence of my efficiency, etc.

In conclusion, I beg leave to state that in my humble opinion the United States Pension Commissioner has violated the United States civil-service rules in many instances, and thereby not only created a demoralizing effect, but also disgraced himself before the world, for no other reason only to disgrace his party unknowingly and receive a reward from the late chief ruler.

Very respectfully, your most obedient servant,

MORRIS KEIM.

The Honorable CHAIRMAN AND OTHERS,
Senate Committee United States Civil Service,
Washington, D. C.

The evidence referred to is as follows:

EXHIBIT J.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, July 13, 1894.

SIR: By direction of the Secretary, I have to inform you that, on the recommendation of the Commissioner, your services as a clerk at $1,000 in the Pension Office are hereby dispensed with from and after July 31, 1894.

Very respectfully,

J. W. HOLCOMBE,
Chief of Appointment Division.

Mr. MORRIS KEIM.
(Through the Commissioner of Pensions.)

The discharge of Mr. Morris Keim was recommended because of his rating as inefficient. No other charges are made against him.

WM. LOCHREN,
Commissioner.

JULY 14, 1894.

(Evidence for claimant, p. 26.)

* * * * * * *

Answer. To substantiate my willingness to perform my duties I applied to the Commissioner of Pensions for a hearing, and claimed that the charge of inefficiency could not be sustained. The Commissioner of Pensions declined to give me a hearing. I subsequently applied to the Secretary of the Interior for a hearing, but was refused. I applied to the Civil Service Commission, and was informed by Mr. Roosevelt, one of the Commissioners, that unless I bring up a political charge they had no power in the matter.

(Government's counsel objects to this witness stating conversation between himself and Mr. Roosevelt.)

88. Question. Have you since your discharge received any salary from the United States for services as a clerk in the Pension Office?

Answer. No, sir; there is still due me the salary up to the 27th day of December, 1895, from July 31, 1894, $1,375, and also $35.30 balance from June 1, 1894, to July 31, 1894.

89. Question. What is the whole amount due you?

Answer. $1,410.30.

90. Question. Mr. Keim, you say there is something else you want to state with reference to continuing in the service of the Government after you were discharged?

Answer. In addition to the above efforts I applied to the President of the United States a year ago last September and gave a true statement of my affairs as to my service in the Pension Office, and I could not get any hearing or any action, notwithstanding my personal calls and letters to obtain a hearing. (Ib., p. 20.)

* * * * * * *

The daily efficiency record of Mr. Morris Keim, clerk class 1, in the classified service of the Bureau of Pensions, army and navy survivors division.

[Executive order of December 4, 1891. Mark all the elements on the scale of 100. See instructions in pamphlet of January, 1893.]

APRIL, 1893.			MAY, 1893.			JUNE, 1893.		
Day.	Remarks.	Attendance.	Day.	Remarks.	Attendance.	Day.	Remarks.	Attendance.
1		100	1		100	1		100
2	Sunday		2		100	2		100
3		100	3		100	3	Excused 1 hr.; annual	100
4		100	4		100	4	Sunday	
5		100	5		100	5	Excused 4 hrs 30 min.; annual	100
6		100	6		100	6		100
7		100	7	Sunday		7		100
8	Excused 15 min.; annual	100	8		100	8		100
9	Sunday		9		100	9		100
10		100	10		100	10		100
11		100	11		100	11	Sunday	
12		100	12		100	12		100
13		100	13		100	13		100
14		100	14	Sunday		14		100
15	Excused 1 hr.; annual	100	15		100	15		100
16	Sunday		16		100	16		100
17		100	17		100	17	Excused 5 hrs.; annual	100
18		100	18		100	18	Sunday	
19		100	19	Excused 30 min.; annual	100	19	Annual leave	100
20	Sick all day	0	20		100	20	Annual leave	100
21		100	21	Sunday		21	Annual leave	100
22	Excused 15 min.; annual	100	22		100	22	Annual leave	100
23	Sunday		23		100	23	Annual leave	100
24		100	24		100	24	Annual leave	100
25	Excused 15 min.; annual	100	25		100	25	Sunday	
26		100	26		100	26	Annual leave	100
27		100	27		100	27	Annual leave	100
28	Excused 15 min.; annual	100	28	Sunday		28	Annual leave	100
29		100	29		100	29	Annual leave	100
30	Sunday		30	Holiday		30	Annual leave	100
			31		100			
	Total	2,400		Total	2,600		Total	2,600
	Average	96.00		Average	100		Average	100

Summary of elements of efficiency.		*Summary of elements of efficiency.*		*Summary of elements of efficiency.*	
Attendance	96.00	Attendance	100.00	Attendance	100.00
Habits	100.00	Habits	100.00	Habits	100.00
Method	90.00	Method	92.50	Method	91.00
Total	286.00	Total	292.50	Total	291.00
Average	95.33	Average	97.50	Average	97.00
In charge of the record: PHILIP METZGER.		In charge of the record: PHILIP METZGER.		In charge of the record: N. H. NICHOLSON.	

(Ib., p. 3.)

The daily efficiency record of Mr. Morris Keim, clerk class 1, etc.—Continued.

JULY, 1893.

Day.	Remarks.	Attendance.
1	Annual leave	100
2	Sunday	
3	Annual leave	100
4	Holiday	
5	Annual leave	100
6	Annual leave	100
7	Annual leave	100
8	Annual leave	100
9	Sunday	
10		100
11		100
12		100
13		100
14	Excused 15 min.; annual	100
15		100
16	Sunday	
17	Sick 6 hrs	20
18		100
19		100
20		100
21		100
22		100
23	Sunday	
24		100
25		100
26		100
27		100
28		100
29		100
30	Sunday	
31		100
	Total	2,420
	Average	96.80

Summary of elements of efficiency.

Attendance	96.80
Habits	100.00
Method	90.00
Total	286.80
Average	95.60

In charge of the record:

N. H. NICHOLSON.

AUGUST, 1893.

Day.	Remarks.	Attendance.
1		100
2		100
3		100
4		100
5	Excused 1 hr.; annual	100
6	Sunday	
7		100
8		100
9		100
10	Detailed B'd Review	100
11	" " "	100
12	" " "	100
13	Sunday	
14		100
15	Excused 15 minutes; annual	100
16		100
17		100
18	Excused 30 min.; annual	100
19		100
20	Sunday	
21		100
22	Excused 15 min.; annual	100
23		100
24		100
25		100
26	Excused 30 min.; annual	100
27	Sunday	
28	Annual leave	100
29	Annual leave	100
30	Annual leave	100
31	Annual leave	100
	Total	2,700
	Average	100

Summary of elements of efficiency.

Attendance	100.00
Habits	100.00
Method	90.00
Total	290.00
Average	96.66

In charge of the record:

N. H. NICHOLSON.

The daily efficiency record of Mr. Morris Keim, clerk class 1, etc.—Continued

SEPTEMBER, 1893.			OCTOBER, 1893.		
Day.	Remarks.	Attendance.	Day.	Remarks.	Attendance.
1	Annual leave	100	1	Sunday	
2	Annual leave	100	2		100
3	Sunday		3		100
4		100	4		100
5		100	5	Sick 3 hrs	50
6	Excused 15 min.; annual	100	6		100
7		100	7		100
8		100	8	Sunday	
9		100	9		100
10	Sunday		10		100
11		100	11		100
12		100	12		100
13	Excused 1 hr.; annual	100	13	Excused 15 min.; annual	100
14		100	14		100
15		100	15	Sunday	
16		100	16		100
17	Sunday		17		100
18	Office closed		18		100
19		100	19		100
20	Excused 30 min.; annual	100	20		100
21		100	21		100
22	Excused 1 hr.; annual	100	22	Sunday	
23		100	23		100
24	Sunday		24		100
25		100	25		100
26		100	26		100
27		100	27		100
28	Excused 30 min.; annual	100	28		100
29		100	29	Sunday	
30		100	30		100
			31	Trans. eastern division	
	Total	2,500		Total	2,450
	Average	100		Average	98.00

Summary of elements of efficiency.		*Summary of elements of efficiency.*	
Attendance	100 00	Attendance	98.00
Habits	100.00	Habits	95.00
Method	90.00	Method	90.00
Total	290.00	Total	283.00
Average	96.66	Average	94.33

In charge of the record: N. H. NICHOLSON.

In charge of the record: N. H. NICHOLSON.

(Ib., pp. 4, 5.)

* * * * * * *

1. Question. Mr. Keim, what is your name, age, residence, and occupation?

Answer. My name is Morris Keim; 64 years; Farmwell, Loudoun County, Va.; my occupation is clerk, of the Pension Office, waiting for orders to report for duty.

2. Question. Are you the petitioner in the case of Morris Keim *v.* The United States, No. 19342, in the United States Court of Claims?

Answer. I am, sir.

3. Question. Will you state what position you have occupied in the service of the United States, military or otherwise?

Answer. I served in Company I, One hundred and fifty-fourth New York Volunteers, infantry; transferred to the Veteran Reserve Corps; discharged from the military service of the United States on the 17th day of April, 1865, for disability incurred in the line of duty. Discharged at Nashville, Tenn., by order of Major-General Thomas.

4. Question. Have you your discharge with you?

Answer. Yes; here it is.

(The claimant's counsel here offers a copy of the discharge in evidence, marked Exhibit A.

The original discharge being exhibited to the Government's counsel, he consents that a copy thereof be filed with the papers in this case.)

5. Question. Mr. Keim, what next service did you engage in for the United States Government?

Answer. I was appointed in the Department of Agriculture as clerk and translator of foreign languages, and assisted in keeping books, some time in January, 1866. I served in that capacity about a year and a half. I served in the capacity of superintendent of National Cemetery from April, 1871, to July, 1876. I served as a messenger in the War Department, I think it was 1881 or 1882, for about eight months. I served in the Agricultural Bureau from 1878 to about 1881. In 1888 I was appointed to a clerkship in the Post-Office Department. In February, 1889, was transferred to the Treasury Department and was assigned to the Sixth Auditor's Office, at a salary of $900. I was examined before the Civil Service Commission previous to appointment in the Post Office Department.

6. Question. Mr. Keim, have you the written appointment to the United States pension agency, or a statement from the pension agent that you had been appointed as a clerk in the said agency on or about March 27, 1883?

Answer. I have.

(The original statement from the United States pension agent as to Mr. Keim's temporary appointment in his office being exhibited to the Government's counsel, he consents that a copy of the same be filed with this deposition, marked Exhibit B.)

7. Question. Look at that paper, Mr. Keim, which I hand you, and state what it is.

Answer. An appointment in the Department of Agriculture.

(The original statement as to Mr. Keim's appointment to a temporary clerkship in the Department of Agriculture, dated July 1, 1879, being exhibited to Government's counsel, he consents that a copy of the same be filed with this deposition, marked Exhibit C.)

8. Question. You stated, Mr. Keim, that you were transferred to the Treasury Department and assigned to the Sixth Auditor's Office at a salary of $900.

Answer. Yes, sir.

9. Question. State how long you served in the Sixth Auditor's Office and what promotion, if any, you received while there.

Answer. I occupied the position as clerk in the Sixth Auditor's Office, in the Treasury Department, from February 4, 1889, to October 31, 1890, and after examination received promotion to $1,200. This examination was a civil-service examination for promotion. On March 16, I was transferred to the Department of the Interior, and was assigned to the Pension Office, as a clerk of class 1.

10. Question. Have you the certificate of appointment to the office of Sixth Auditor of the Treasury Department?

Answer. I have, sir. (Ib., p. 11.)

(The original statement as to Mr. Keim's appointment as clerk in the Sixth Auditor's Office in the Treasury Department being exhibited to the Government's counsel, he consents that a copy be filed with this deposition.

Counsel of claimant offers said copy in evidence, marked Exhibit D.)

11. Question. Mr. Keim, look at that and state what it is.

Answer. This is a certificate from the chief clerk of the Dead-Letter Office, received about March 4, 1891, relative to my service in the Dead-Letter Office.

(Counsel for claimant offers said letter in evidence.

The original being exhibited to the Government's counsel, he consents that a copy of the same be filed with this deposition, marked Exhibit E.)

12. Question. Mr. Keim, look at this paper which I hand, and say what it is, and when you first saw it.

Answer. The Acting Commissioner of Pensions, under date of October 13, 1891, writes a letter relative to my transfer to the Pension Bureau.

(Counsel for claimant offers a copy of said paper in evidence.

The original being exhibited to the Government's counsel, he consents that a copy of the same be filed with this deposition, marked Exhibit F.)

13. Question. Look at the paper which I hand you; state what that is.

Answer. It is a notice of my transfer from the Sixth Auditor's Office to the Pension Office.

(Counsel for claimant offers the same in evidence.

The original being exhibited to the Government's counsel, he consents that a copy of the same be filed with this deposition, marked Exhibit G.)

14. Question. State what this paper is.

Answer. This is a notification from the Pension Office of my transfer from the Sixth Auditor's Office to the Pension Office.

(Counsel for claimant offers the paper in evidence, and counsel for the Government consents that a copy thereof, the original having been exhibited to him, be filed with this deposition, marked Exhibit H.) (Ib., p. 12.)

15. Question. Mr. Keim, how long did you serve in the Pension Office as a clerk in class 1?

Answer. From March 16, 1893, to about March, 1894, or February, 1894.

16. Question. Look at this paper which I hand you and state what it is.

Answer. This is a notice from the Acting Secretary of the Interior notifying me of my reduction, dated February 12, 1894.

(Counsel for claimant offers this paper in evidence

The original being exhibited to the Government's counsel, he consents that a copy of the same be filed with the deposition, marked Exhibit I.)

17. Question. How long did you serve in the Pension Office after your reduction?

Answer. I was discharged to take effect on July 31, 1894.

18. Question. Look at this paper which I hand you and state what it is.

Answer. This is a notice of my discharge from the Pension Office, dated July 13, 1894.

(Counsel for claimant offers the same in evidence.

The original being exhibited to the Government's counsel, he consents that a copy of the same be filed with this desposition, marked Exhibit J, and indorsement thereon.)

19. Question. Mr. Keim, while you were engaged in service in the Pension Office, state how you performed your duties and what duties you had to perform, and in what divisions you were employed.

Answer. I was assigned to the army and navy survivors' division for the first eight months, and was considered one of the best clerks in the whole division. The chief of the division has made strong objection to my transfer on several occasions, because he stated that he could not afford to lose my services.

(This statement objected to by Government's counsel upon the ground that the best evidence of such an expression from an official is not such a verbal as here made, especially in the absence of the party referred to.)

20. Question. State the time and place when the statements were made.

Answer. The time was about within ten days previous to my transfer to the eastern division; the statements were made in the division of which he was the chief, and also in the chief clerk's room.

(Counsel for Government objects to this recitation of conversation for the same reason as above stated.)

21. Question. Mr. Keim, state whether you were transferred to the eastern division at your request and what was your object in seeking such transfer.

Answer. By advice of my friends employed in the Pension Office I considered the duties more congenial, and being very ambitious I wanted to familiarize myself with the whole duties of the Pension Office, especially with a view to having an opportunity to be sent out in the field.

(Government's counsel objects to this answer upon the ground that such transfers are made by official notification to employees, and the reasons for such transfers are always clearly set out in such notification, and such notification would be the best evidence as to the reasons for the transfer.)

22. Question. Was there any record kept of your work while you were in the adjudicating division?

Answer. I believe so. There was a record kept of the weekly and monthly work of the clerks.

23. Question. How was that report made—I mean, now, from what data?

Answer. This report was made from our reports to the section chief and compared with his own report.

24. Question. You say our reports?

Answer. Yes; the clerks'.

25. Question. What kind of work were the clerks in that division and were you engaged in doing?

Answer. The duties of the division consisted in adjudicating pension claims principally. (Ib., p. 13.)

26. Question. Was this record of which you have just spoken based upon the number of cases adjudicated by each clerk or the size of the cases?

Answer. I am unable to state on what record the men who had charge of the rating based their reports, because I did not get the rating that I was entitled to on account of the work I performed while I was in the adjudicating division.

(Counsel for the Government objects to this question upon the ground that the efficiency record is an official record and not kept by the clerks themselves, and that therefore this witness, who was a clerk, can not testify as to the basis of efficiency adopted by his chief.)

27. Question. How long were you in the adjudicating division?

Answer. From October 31, 1893, to July, 1894.

28. Question. Have you the weekly reports upon which your efficiency record was made up?

Answer. I have from November 1, 1893, to and including July 13, 1894, adjudicated about 395 cases.

28½. Question. Have you the official report—weekly report upon which the basis was made up, or a duly certified copy thereof?

Answer. I have not.

29. Question. Why have you not?

Answer. Because the Commissioner states, in a letter dated April 17, 1896, to the Secretary of the Interior, that "it was impossible to furnish the weekly reports for the reason that none have been retained, they being destroyed weekly," and also because the Secretary of the Interior, in a letter dated April 18, 1896, to the clerk of the Court of Claims in response to the call of the clerk of said court, dated March 30, 1896, states: "It appears that it is now impossible to furnish any of the weekly reports requested in the claimant's motion."

30. Question. What have you in your possession showing the amount of work that you did as a clerk in said adjudicating division?

Answer. I have a memorandum, made from time to time, from which those weekly reports were made, and with which the section chief compared his reports. (Ib., p. 14.)

* * * * * * *

(Claimant's counsel now states that it is only expected of the witness that he will use his memorandum, which was made at the time, to refresh his recollection, and that he gives his evidence, merely using his memorandum for such purpose, it appearing from his testimony that the data of his memorandum was furnished to the section chief for his use in making up the weekly reports, which the return of the Secretary of the Interior says he can not now furnish; it appearing also that this memorandum was never objected to by the section chief, to whom it was shown and upon which he based his report, as being in any way incorrect.)

Answer (witness, reading from data to which Government's counsel objected, says): That I read from this memoranda to refresh my memory. During my service in the eastern division I have examined and passed upon about 395 cases, wrote over 1,000 letters and circulars, and ordered several hundred medical examinations. (Ib., p. 15.)

* * * * * * *

78. Question. Did you do any special work for the Bureau outside of the ordinary work of examining cases? If so, what?

Answer. I translated some official letters from foreign countries in relation to pensions. (Ib., p. 19.)

EXHIBIT A.

To all whom it may concern:

Know ye that Morris Keim, a sergeant of Lieut. David Baker's company (154), 2d Batt., Regiment of Veteran Reserve Corps Volunteers, who was enrolled on the twenty-sixth day of August, one thousand eight hundred and sixty-two, to serve three years or during the war, is hereby discharged from the service of the United States this seventeenth day of April, 1865, at Nashville, Tennessee, by reason of surgeon's certificate of disability. (No objection to his being reenlisted is known to exist.)

Said Morris Keim was born in ——— ———, in the State of Germany, is thirty-one years of age, five feet nine and ½ inches high, dark complexion, dark eyes, brown hair, and, by occupation when enrolled, a farmer.

Given at Nashville, Tenn., this seventeenth day of April, 1865.

B. CLOAK,
Surgeon, U. S. Vols., in Charge Cumberland Hospital.

(Ib., p. 22.)

* * * * * * *

EXHIBIT B.

U. S. PENSION AGENCY,
Washington, D. C., Mch. 27, 1883.

This is to certify that Morris Keim has been employed temporarily as a clerk in my office. His work was very satisfactorily done and in an intelligent manner. I can strongly recommend him to anyone that may need his services, and would be glad to see him get employment in Government service, as he is an ex-soldier.

THEOPHILUS GAINES,
U. S. Pens. Agent.

EXHIBIT C.

DEPARTMENT OF AGRICULTURE,
Washington, D. C., July 1st, 1879.

MORRIS KEIM:

You are hereby appointed to a temporary clerkship in this Department, at a salary of nine hundred dollars per year. You will execute the required oath of office, and after filing the same with the disbursing officer report to the chief clerk for assignment to duty.

WM. G. LE DUC,
Commissioner of Agriculture.

EXHIBIT D.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, D. C., October 31, 1890.

MR. MORRIS KEIM,
Clerk Class E, Office of the Sixth Auditor.

SIR: Having been examined and found qualified, you are hereby promoted and appointed a clerk of class one in the office of the Auditor of the Treasury for the Post-Office Department, the appointment to take effect from the date of oath.

Respectfully, yours,

W. WINDOM,
Secretary.

Oath November 1, 1890.

EXHIBIT E.

POST-OFFICE DEPARTMENT,
DEAD-LETTER OFFICE,
Washington, D. C., March 4, 1891.

Mr. Morris Keim was employed in this office from May 7th, 1888, to February 4th, 1889, at which time he was transferred to the Treasury Department, upon his own request. During his employment in the Dead-Letter Office he proved himself a faithful, industrious, and efficient clerk, and on account of his knowledge of the German and French languages he was often called upon to translate communications in these languages, and his work in this direction was always satisfactory. So far as I understand the requirements, I believe that he would prove satisfactory in the position which he seeks as employee of the "Sea" Post-office.

Respectfully, W. G. PERRY, *Chief Clerk.*

EXHIBIT F.

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, D. C., October 13th, 1891.

Mr. MORRIS KEIM,
812 Maryland Ave. NE., City.

SIR: In reply to your communication of the 24th ultimo, wherein you ask to be transferred from the Sixth Auditor's Office to this Bureau, I take pleasure in informing you that when a vacancy in that class occurs I will be pleased to recommend your transfer.

Very respectfully,

ANDREW DAVIDSON,
Acting Commissioner.

EXHIBIT G.

DEPARTMENT OF THE INTERIOR,
Washington, March 11, 1893.

Morris Keim, of Virginia, having been examined and found qualified, is hereby appointed to a clerkship of class one in the Pension Office, to take effect March 16, 1893, or as soon thereafter as he shall file the oath of office and enter on duty, by transfer from Treasury Department; vice Lorenzo D. Marcellus, resigned.

On the certification of the Civil Service Commission.

GEO. CHANDLER,
Acting Secretary.

(Ib., pp. 24, 25.)

* * * * * * *

EXHIBIT N.

OFFICE OF THE AUDITOR OF THE TREASURY
FOR THE POST-OFFICE DEPARTMENT,
Washington, D. C., Sept. 2nd, 1890.

Hon. GREEN B. RAUM,
Com. Pensions.

DEAR SIR: I am informed that Mr. Morris Keim, at present a clerk, Class E, in this (checking) division of the Sixth Auditor's Bureau, has made application for transfer and promotion to the Pension Bureau. I take pleasure in certifying to Mr. Keim's efficiency in every particular. His official record for the past year is: Efficiency, 100; punctuality, 100; discipline, 100. Mr. Keim is an exceptionally rapid worker and, as compared with average results, is entitled to a much larger salary than he now receives, but promotions above a thousand dollars are comparatively few in this Bureau, hence his application. I shall regret to lose him.

Very respectfully, yours.

CHARLES HEDGES,
Chief Clerk Div.

APPROPRIATION FOR SALARIES, 1895.

The United States, Bureau of Pensions, to Morris Keim, Dr.

June 28, 1895.	To salary for services as clerk, at $1,000 per annum, from July 1 to 15 and 29 to 31, 1894	$48.90
	Less semimonthly	40.00
		8.90

Approved.

WM. LOCHREN,
Commissioner.

Received at Washington, D. C., July 9, 1895, of Geo. W. Evans, disbursing clerk, Department of the Interior, eight and $\frac{90}{100}$ dollars, in full of the above account.

MORRIS KEIM.

TREASURY DEPARTMENT,
OFFICE OF THE AUDITOR OF THE TREASURY
FOR THE POST-OFFICE DEPARTMENT,
Washington, D. C., March 12, 1895.

Mr. MORRIS KEIM,
Washington, D. C.

SIR: In compliance with your verbal request of this date for a statement of your efficiency record while a clerk in this office, from January 6, 1890, to March 15, 1893, the date of your transfer to the Pension Office, I have the honor to submit the attached letter relative to the same.

Very respectfully,

R. M. JOHNSON,
Chief Clerk.

TREASURY DEPARTMENT,
OFFICE OF THE AUDITOR OF THE TREASURY
FOR THE POST-OFFICE DEPARTMENT,
Washington, D. C., Mch. 11, 1895.

To whom it may concern:

This is to certify that Mr. Maurice Keim, while subordinate clerk in the Money-Order Division, Sixth Auditor's Office, Treasury Department, while I was chief thereof, performed the duties assigned him to my entire satisfaction.

A. H. NIXON.

Ib., p. 28.

DEPOSITION OF WRAY BEATTIE.

* * * * * * *

Question. Do you know, Doctor, whether or not there was kept in said Pension Office what was commonly known as an efficiency record of the clerks?

Answer. There was a monthly report of the efficiency of each clerk.

Question. Upon what was that monthly report supposed to be based?

(Counsel for the Government objects, upon the ground that this witness has not testified as to any official connection with the making out of or computing of such report, and that. therefore, he is not competent to testify as to the basis upon which they were made.)

Answer. The monthly report embraced a detail of all the work done by each clerk. Each clerk gave in a report of his work in detail. That is all that the clerk knew about that record. This report in full was put up in our room, in the room of each section, so that every clerk in the section could see his record. This record was also made by a clerk in the chief's room—made in a book—and that was permanent. Those two records were not identical.

Question. You may state, Doctor, if you know, if there were any weekly reports made by the clerks; and if so, by whom were they made?

Answer. Our reports were made to the chief of the section. One was made weekly and the other made monthly, and these were not identical. The weekly report was a short one. The ratings seemed to be made in the chief's room. We knew it was there, because we could see it any time we wished to.

Question. Doctor, state what you mean by ratings.

Answer. This record in the chief's room contained among other things the ratings of each clerk. It was a permanent record. Any clerk was entitled to see his ratings when he wished. The rating was made on the scale of a hundred, and it embraced several points or all points covering the clerk's work.

Question. Do you know, Doctor, whether dismissal or reductions from the force in the Pension Office while you were there were made in accordance with the standing of the clerk reduced or dismissed as shown by that record?

(Counsel for the Government objects, on the ground that this witness, who was at best only himself a clerk, can not testify as to matters which should be shown either by a record or proven by Government officers whose duty it was to reduce or dismiss clerks.

Counsel for the claimant states that, having been requested by the Court of Claims to furnish certified copies of the record of one named in the petition, and two others, and the Secretary of the Interior having refused to comply with the request of the court, the counsel proposes

to prove the allegation of the petition by the next best evidence in his power.)

Answer. I knew the general standing of all the clerks in my section, as well as many other clerks, from intimacy with them, knowing their work and seeing the report. Hence I know that many clerks who were reduced were the better clerks or the best clerks, and many clerks discharged were either the best clerks or among the best clerks, and many clerks promoted were the poorest clerks, as shown by my acquaintance with them and their work.

Question. Doctor, do you know whether or not the record concerning which you have testified showed the relative standing—the real relative standing—of the different clerks in the division in which you were employed?

(The Government's counsel objects, upon the same ground as stated above, and that the objection therein stated applies to any question that might be asked this clerk, the answer to which should be shown by the record or proven by the official in charge thereof.)

Answer. The section record which was posted up in the section showed the entire amount of work of each clerk in the section, and of course their relative standing. The record in the chief's room was not seen by any clerk except the one by whom it was made.

Question. Do you know, Doctor, whether or not those weekly reports were kept in the office; and if so, by whom and how long?

Answer. I don't know what became of the weekly reports; they went into the hands of the section chief.

Question. Do you know whether there was any material difference in the rating of the clerks in the chief clerk's and what was in the room exhibited?

Answer. I knew of no difference, because the point which we got was the rating; it was not given in our room.

Question. What do you mean, Doctor, by saying that the standing of each clerk was shown by the record hung up in the room where the clerk worked?

Answer. The record hung up in our room showed the entire work of the clerk, the work he had done, his absence or presence for the month.

Question. Doctor, look at this paper which I hand you, and state what it is.

Answer. This is a blank for monthly report of the clerks' work in one section.

Question. Where did you get it?

Answer. I got it from the clerk who kept the record and made the monthly reports—that is, for our section.

Question. State, Doctor, what that paper contains.

Answer. It was given to me showing my work for the year 1894, and it also gives the work done by all the clerks in the section during that year.

(Counsel for the claimant offers the paper in evidence, marked Exhibit O.

Counsel for the Government objects to the introduction of paper, because it bears no marks, signatures, or evidence to show that it emanated from an official source.)

Question. Doctor, if there is any other fact within your knowledge tending to show while you were a clerk in the Pension Office that clerks were dismissed or reduced not in accordance with their efficiency record, please state it.

Answer. I knew that many clerks who were among the best were reduced once, twice, or three times or discharged. It was notorious that

the record was disregarded. One set was put up or put out depending on politics or other matters.

(Counsel for the Government here not only object but protests against this witness testifying as to matter which, if it means anything at all is an endeavor to impugn the motives of the officials of the Interior Department. Counsel for the Government contends that such a statement is wholly incompetent as evidence in this case from this witness, who was himself at one time a clerk in the Department.

Counsel for the claimant insists that this witness is competent to testify to facts which were notorious and which must have been known to him and to everyone else in the Pension Office, and which tend to show that the officers of the Interior Department did not keep a correct record of the efficiency of a clerk and did not promote, reduce, or dismiss clerks in accordance with their relative standing.)

Said witness was then cross-examined by the counsel for the Government, and in answer to interrogatories, testified as follows:

Question. Doctor, please state when your connection with the Interior Department in the capacity to which you have referred was severed.

Answer. In June, 1895.

Question. Did you retire voluntarily from the service?

Answer. I did not.

Question. You were discharged, then, were you?

Answer. I was one of the hundred discharged in June, 1895.

Question. Did you go out along with Mr. Keim?

Answer. No; I did not know the time of his discharge.

Question. Before you were discharged were you reduced at any time by the same administration?

Answer. I was reduced.

Question. How often?

Answer. Once.

Question. Do you know what the alleged reason for your discharge was?

(Counsel for claimant objects to question because it is irrelevant; that the record is the best evidence that the Government has possession of.)

Answer. There were two reasons for being discharged, first, the reduction of the force by Congressional action, and then a report privately given by the Commissioner that I was wealthy.

Question. Were you not also reported inefficient?

Answer. No, sir; I was at the head of the section in efficiency, as shown by the record.

Question. Do you mean by that the record of the amount of work done as handed in by yourself, or by the rating prepared by the chief?

Answer. As shown by the report shown by our section chief.

Question. Do you mean the rating by the officer in charge of preparing that schedule?

Answer. That was done in the room of the chief of the division, and I did not know what it was.

Question. Doctor, you consider that you were very unjustly dealt with, do you not?

Answer. Yes.

Question. You have arranged to bring a similar action as that of Mr. Keim's, have you not?

(Counsel for the claimant objects to the question as irrelevant, incompetent, immaterial, and unnecessary.

Counsel for the Government states that the intense sympathy demonstrated by this witness's testimony indicated his personal interest and his similar fate with that of Mr. Keim, and that the question is competent to show the motive of this witness.

Counsel for the claimant objects to the statement of the counsel for the Government as to the alleged sympathy of the witness, for the reason that no such manifestation is shown by the witness, and the statement of the counsel for the Government is not made under oath, and the attention of the Commissioner is specially called to the cool, calm, and dispassionate manner in which the witness for the claimant has given his testimony.)

Answer. I have not.

Question. You have stated in your testimony, Doctor, that some of the best clerks were reduced or put out and some of the poorest clerks were retained. Do you consider that when you were put out you were in the category you have referred to as one of the best clerks?

Answer. I know I was one of the best clerks in the section, or the best clerk.

Question. Therefore, Doctor, you consider that you have been unjustly dealt with, do you?

Answer. I do. The bases for discharge were false.

Question. Doctor, the record that was put up in the room, to which you have referred, was not the record of efficiency as prepared by the chief of the division, was it?

Answer. It was not the same.

Question. That record, therefore, did not represent the official schedule upon which your rating was based by the chief of the division?

Answer. The rating must have been based on that, for they had no other knowledge,

Question. Was that record to which you refer as being posted up the report made by each clerk himself in each instance?

Answer. It was made by the chief of the section; it was his record.

Question. He got that record, did he not, from the individual report of the clerks?

Answer. He got part of it.

Question. Were you in any way connected with the work of the chief of the division in computing the efficiency record of the various clerks?

Answer. I never saw that computation made.

On redirect examination the witness testified as follows:

Question. Doctor, have you any feeling or interest in this case that would affect your testimony or lead you to state anything that is not true?

Answer. I have not. This man is a stranger to me; I do not remember having seen him until a week or two ago.

On recross-examination the witness testified as follows:

Question. You knew, however, did you not, that Mr. Keim claims to have been discharged in the same manner as yourself?

Answer. He made the statement of the manner in which he was discharged, and that satisfied me of it.

WRAY BEATTIE.

(Ib., pp. 31—34.)

* * * * * * *

DEPOSITION OF CHARLES HEDGES, FOR CLAIMANT.

[Taken at Washington, D. C., on the 2d day of May, A. D. 1896.]

Claimant's counsel, Luther R. Smith and John C. Chaney; defendant's counsel, John G. Capers.

At the same time and place, in the presence of the same counsel of both parties, CHARLES HEDGES, a witness on behalf of the claimant, was produced, and having been by me in like manner duly sworn, deposed and said that his name is Charles Hedges; that his occupation is that of newspaper writer; that he is 40 years of age; that his place of residence is temporarily the city of Washington; that he is a citizen of the State of Texas; that he has no interest, direct or indirect, in the claim which is the subject of inquiry in said cause, and that he is not related to the claimant.

And thereupon the said Charles Hedges was examined by the counsel for the claimant, and, in answer to interrogatories, testified as follows:

Question. State your name, age, residence, and occupation.

Answer. Charles Hedges; my age is 40 years; I am a citizen of the State of Texas, temporarily residing in the city of Washington. I am a newspaper writer.

Question. Do you know the petitioner, Morris Keim?

Answer. I do; I have known him since July, 1889.

Question. Was he ever in the Government employ under your supervision? If so, in what Bureau and when, and what position did you occupy?

Answer. He was. He was a clerk in the checking division of the Sixth Auditor's Bureau of the Treasury Department. I was the chief of the checking division from July, 1889, until May, 1893, and Mr. Keim was a clerk in that division for two and a half years, at least, during this period.

Question. State the manner in which he discharged his duties and his character for efficiency, industry, and sobriety.

Answer. I regarded Mr. Keim as one of the very best clerks in the division, and so rated him. We kept an efficiency record, which was made up of five elements, as I recollect—punctuality, attendance, accuracy, efficiency, and conduct. It was my duty as chief of the division to rate each clerk once a month and strike a general average for these elements during that month. Mr. Keim always rated very high in each of the five elements—in fact, I can recall no clerk in the division who rated higher, and for two years the division consisted of over one hundred clerks and the balance of the time from sixty to seventy-five clerks. He was always very punctual, and he never, to my recollection, was absent beyond the time allowed him by law. For a year or so he rated a hundred in accuracy and also in efficieny, and he always rated a hundred in conduct. This, of course, included his sobriety and general habits. After about a year the Sixth Auditor established a ruling that nobody should be rated a hundred for accuracy or for efficiency, as no clerk could be perfect. After this ruling I therefore rated Mr. Keim in these two elements from ninety-five to ninety-eight, which was as high as I rated any other clerk. So that for the first year that I had charge of the division Mr. Keim's general-efficiency average each month was one hundred, but after the ruling I mention it was about 98. I had occasion to frequently examine his work, and it was, of course, upon its

quality and quantity that I gave him this high rating. I considered him competent of doing the highest grade of clerical work.

The said witness was then cross-examined by the counsel for the Government, and in answer to interrogatories testified as follows:

Question. In the matter of the record for efficiency, etc., to which you refer relative to Mr. Keim, I understand that you speak entirely from recollection and not from any report or record to which you have referred?

Answer. Yes; I speak from recollection.

Question. How long ago was it that Mr. Keim was in your division?

Answer. I think he left my division in the fall of 1892.

Question. Nearly four years ago, then.

Answer. Yes.

(Ib., pp. 35, 36.)

* * * * * * *

DEPOSITION OF CHARLES R. DOUGLASS.

* * * * * * *

Question. You may state any facts tending to show whether the discharges or reduction of the clerks of the division in which you were employed were based or made solely upon their ratings or record.

Answer. I think not. There were clerks employed in the southern division, both in the files and doing clerical duty of Sections A, B, and C, that were far below my average, more particularly as to their habits, and they were screened by Mr. Crabb, chief of the southern division, on political grounds.

(Counsel for the Government objects to all such questions and answers upon the same ground as to similar questions and answers propounded to the witness Beattie.)

Question. What do you mean by saying "screened"?

Answer. Protected, favored.

Question. State whether or not there were clerks retained in the office at time of your discharge, and at the time of the discharge of other soldiers who had been honorably discharged from the Army or Navy of the United States, who were not as competent clerks as those discharged and who had never been in the Army or Navy of the United States.

(Counsel for the Government objects on the grounds hereinbefore stated.)

Answer. Of the 38 that were discharged February 15, 1894, 34 of them were ex-Union soldiers. Their efficiency was far superior to those that were retained, and the 34 were Republicans, men of good moral character, while men that were retained have come there drunk and stayed there drunk, from the chief clerk down.

(To all of this answer the Government's counsel objects, and calls the Commissioner's special attention to the utter irrelevancy and incompetency of such a statement as testimony.

Counsel for the claimant states that the Commissioner has nothing to do with the irrelevancy or incompetency of the testimony, and objects to the interjection of irrelevant objections which encumber the record, although made with the best of motives.) (Ib., p. 38).

Question. From your observation and experience while in the office do you know, and can you state, whether clerks who had been honorably discharged from the Army and Navy of the United States and were

employed in that office were reduced or dismissed, and other clerks who never had been in the Army and Navy of the United States, and were not so competent, were promoted in their places?

Answer. I only know from common rumor, for the reason that we were not allowed to see the records of any clerks except our own.

Question. When you speak about the record, Mr. Douglas, do you mean the ratings as made in the chief clerk's office?

Answer. I do.

Question. Was there a record kept in the room of the amount of work each clerk did?

Answer. Each clerk made a report of his own work. That report was handed in at the close of each day to the chief of the section. A critic passed upon all work. At the end of each month the weekly reports were consolidated and sent to the chief of the division, and from those a tabulated report was made at the end of the month.

Question. Do you not know the amount of work done by any of the other clerks?

Answer. I do.

Question. Can you state to what political party the clerks that were reduced in your divisions belonged, or were considered to belong?

Answer. I can, with perhaps one or two exceptions.

(Counsel for the Government objects on the ground that the question is irrelevant to the question at issue in the matter of the claimant, Morris Keim.)

Question. You may state it.

Answer. The Republican.

Question. To what political party did those clerks belong who were promoted in place of those who were reduced?

(Counsel for the Government objects on the ground as stated above.)

Answer. They claimed to be Democrats.

Question. Do you know of anything, Mr. Douglas, going to show that inefficient clerks who had never been in the Army and Navy of the United States were retained in the Pension Office or promoted, while clerks who had been honorably discharged from the Army and Navy of the United States, and were more efficient than those promoted, were reduced or dismissed in the Pension Office? If so, state it.

(Counsel for the Government objects on the same ground as stated above.)

Answer. I know a number of such cases.

Question. What do you mean by that?

Answer. I mean by that, clerks who were known in the office to be inferior clerks have been promoted and retained, while others who have served in the Army have been reduced and dismissed who were better clerks than those retained.

Question. Were you ever in the United States Army, and have you been honorably discharged therefrom? If so, state when and where.

Answer. I was in the service in 1863; enlisted as a private in Company F, Fifty-fourth Massachusetts Infantry; honorably discharged and reenlisted in Company I, Fifth Massachusetts Cavalry, and was honorably discharged from the last service in 1864.

Question. Do you know of anything else in this case which would benefit either party.

Answer. I was an examiner of pension claims, which of itself is a higher grade of work than the file clerk, which position Mr. Chaney occupied when promoted to my place, and he continued as file clerk after his promotion. Also, he was a man of intemperate habits, and

was not regular in his attendance, and had been transferred to at least three or four divisions. He was dismissed twice during the time I was in the Pension Office and was reinstated; generally understood it was for drunkenness.

Question. To what political party did Mr. Chaney claim to belong at the time of his promotion?

Answer. The Democratic party.

(The counsel for the Government objects to both the answers to this general question upon the ground last above stated.)

Question. What was the general reputation in the office of Mr. Chaney with reference to sobriety prior to and at the time of his promotion above referred to by you?

(Counsel for the Government objects on the ground above stated.)

Answer. I don't recall that I have heard his reputation discussed only when his promotion was made.

Said witness was then cross-examined by the counsel for the Government, and, in answer to interrogatories, testified as follows:

Question. Mr. Douglass, please state the reason given in your dismissal notifying you that your services would no longer be needed.

Answer. "By reason of the reduction of the force," which was stamped on the paper notifying me of my discharge.

CHAS. R. DOUGLASS.

DEPOSITION OF AUGUST DONATH.

* * * * * * *

Question. To what political party were you known to belong while in office?

Answer. The Republican party.

Question. Do you know whether or not clerks in the Pension Bureau who had been honorably discharged from the Army and Navy of the United States were reduced or dismissed, while those clerks who had never been honorably discharged from the Army and Navy of the United States were retained or promoted?

(Counsel for the Government objects upon the grounds stated above.)

Answer. A clerk in my section had been honorably discharged from the Army of the United States who had the best record of any clerk in our room, Frank Claudy, was reduced, and Captain Seville, who was also discharged from the United States Army, was also reduced; Mr. Foley and Mr. Walsh, who had never served in the Army, and who were inferior clerks to the other two, were promoted, one to $1,800 and the other to $2,000.

Question. To what party did these two who were promoted belong?

Answer. They were Democrats.

Question. What was the general rule as to the political status of clerks who were reduced and discharged, and also those who were retained or for those who were promoted?

(Counsel for the Government objects as hereinbefore stated.)

Answer. As a rule, so far as I know, those reduced or dismissed were Republicans, those promoted were Democrats.

Question. Is there anything else you know in reference to this matter?

Answer. I don't think of anything.

Question. Do you know whether or not in making the reductions or discharges a discrimination was made in favor of or against the honorably discharged Union soldiers or sailors?

(Counsel for the Government objects to this witness testifying as to a policy, the inauguration or regulation of which he had nothing to do with, officially or personally.)

Answer. I know that there was no discrimination in their favor.

AUGUST DONATH.

DEPOSITION OF JAMES J. PURMAN.

* * * * * * *

Question. State whether you have been promoted or reduced, and what positions you occupied in the Pension Bureau.

Answer. I was promoted twice and have been reduced. I was promoted from $1,200 to $1,400 in August, 1882, and from $1,400 to $1,600 in October, 1886. I was reduced from $1,600 to $1,200 on the 1st day of July, 1893, and from $1,200 to $1,000 on the 1st of August, 1894, and from $1,000 to $900 on the 1st of July, 1895.

Question. Did you ever serve in the Federal Army in the war of the rebellion? If so, state whether you were honorably discharged.

Answer. I was honorably dischared on the 18th day of May, 1864, on account of a wound received at Gettysburg.

Question. Doctor, state whether you know if any cause was assigned for your reduction while you were in the Pension Office.

Answer. I was reduced the first time because the Commissioner of Pensions did not know me, as he afterwards told me.

Question. How did he happen to say that to you?

Answer. I had an interview with him.

Question. What was said at that interview, as nearly as you can state?

(Counsel for the Government objects, on the ground that it is incompetent for this witness to testify concerning a conversation between himself and another party in the absence of the other party.)

Question. State what took place at that interview.

Answer. I asked Judge Lochren, the Commissioner of Pensions, why I was reduced from $1,600 to $1,200. He said, "I did not know you. Your name was on the list made out by Deputy Commissioner Bell, and you were reduced with the others."

Question. If anything was said to you by Judge Lochren at any time, or if you had any knowledge from any source as to why you were reduced from $1,200 to $1,000 and from $1,000 to $900, please state what information you had upon these two reductions.

(The Government's counsel objects, on the same grounds as stated above.)

Answer. I had an interview with Judge Lochren, the Commissioner of Pensions, at the Hotel Arno, where he boarded, on Sixteenth street. I asked him why I was reduced, in view of the fact that he had promised that I should be reinstated in my old position. I did not know that he had promised me. The Judge did not deny that he had made such a promise. He replied, "You are reduced because of inefficiency." I answered him in plain English, "That is a lie, Judge." He asked me, "Do you call me a liar?" I said, "No; you are not a liar, but the chief who marks me as inefficient is a liar." We had considerable conversation, which was not very smooth, and he said that if I made a better record he would promote me to my former salary, but he would not restore me on the record I was making. I replied to him, "Your chief may mark me up or mark me down, and I will abide my time."

Question. Do you know, Doctor, what your rating was by your section chief at the time you were reduced?

Answer. I did not examine the record.

Question. And you don't know what the record was at the time of the conversation you have just related with Judge Lochren?

Answer. I do not, but he told me that I was a poor clerk.

Question. Now proceed with your other reductions.

Answer. I had no interview in regard to the last reduction, which occurred on the 1st of July, 1895.

Question. Do you know what your rating was?

Answer. I do not. I was disgusted and did not examine the record.

Question. State, if you know, how the record in the Pension Office is made up, as to the efficiency of the clerks.

Answer. It is made up primarily by the section chief.

(Counsel for the Government objects, on the ground that it does not appear that this witness does now hold, or has ever held, such a position as would make him a competent witness as to such a class of work.

To which the counsel for the claimant says that the witness is competent to testify, and his own record is made up by the section chief of the division in the Pension Office, and he has a right to inspect the same.)

Each section chief sends his report in to the chief of division; there the report is consolidated and sent to the chief clerk of the office.

Question. What data is it supposed that the chief of the section gets in making up its report?

(Counsel for the Government objects to the above question, on the ground heretofore stated.)

Answer. The section chief makes up the standing from the quantity of work done. He keeps a record of the number of letters and circulars sent out and the number of cases examined, etc., and from that he makes up his report at the end of each month.

Question. Did you keep any account of the work which you did yourself, Doctor?

Answer. Yes; I did at different times.

Question. What do you say, Doctor, if you know, as to the record kept by the section chief, as to any other cases within your knowledge, whether they were fair or not?

(Same objection by counsel for the Government, as above.)

Answer. Well, according to the record kept by me when I was first reduced and according to the record kept by the section chief, I was far above the average in work.

Question. At the time of your reduction, Doctor, do you know whether there were any other persons employed in the same grade and the same work in which you were employed who were not reduced and were not honorably discharged Federal soldiers?

Answer. Yes.

Question. To what political party do you belong?

Answer. To the Republican party.

Question. In the promotions, reductions, and dismissals, do you know what proportion of those who were promoted, reduced, or dismissed were Republicans or Democrats?

Answer. I am satisfied that a large proportion of those who were reduced or dismissed, within my knowledge, were Republicans, and those who were promoted were Democrats.

Question. Do you know whether a preference was given in the rating in the office or in promotions and reductions to clerks who were honorably discharged soldiers?

Answer. Preference was not given. I have had it so stated to me by

several underchiefs, and I asked them what it meant. They replied: "We are going to equalize these salaries. You get a large pension." One of them said to me: "I am not in favor of reducing a man because he gets a large pension." But I understood him to say that they were going to do so. "By they," I understood him to mean the party in power. (Claimant's evidence in rebuttal, pp. 2, 3.)

DEPOSITION OF JOHN MORRISON.

* * * * * * *

Question. Mr. Morrison, what is your full name, age, and occupation?

Answer. My name is John Morrison; age 52; I am an examiner in the Pension Office.

Question. How long have you been in the Pension Office?

Answer. Fourteen years.

Question. Have you ever acted as chief or section chief in the Pension Office?

Answer. I have acted as assistant section chief in the eastern division of the Pension Office.

Question. What are the duties of the assistant section chief?

Answer. He should take the place of the section chief in his absence.

Question. What are the duties of the section chief?

Answer. He is general overseer of the work of the section.

Question. Do you mean by "overseer" that he attends to giving out work?

Answer. No; the work is given out by file clerks.

Question. Under whom do these file clerks give out the work?

Answer. The file clerks give out the work under the direction of the section chief.

Question. Who was the section chief under whom you acted?

Answer. I have acted under different section chiefs.

Question. Do you know the claimant, Mr. Keim?

Answer. I do.

Question. How long have you known him?

Answer. Ever since he came into our section.

Question. During that time did you ever act as assistant section chief?

Answer. I did.

Question. Do you know one Frank McClelland in the eastern division of the Pension Office?

Answer. I do.

Question. How long have you known him?

Answer. About the same time I have known Mr. Keim—about four years.

Question. What position does Mr. McClelland occupy?

Answer. He has been section chief of Section G of the eastern division ever since I have known him.

Question. Do you know the character of the work Mr. Keim performed when he was in the eastern division?

Answer. He performed the same work as other clerks in that section.

Question. What section was he in, Mr. Morrison?

Answer. Section G.

Question. Do you know the manner in which he performed his work relatively with other clerks?

Answer. I don't know as I can say as to quality, but can as to quantity.

Question. How did it compare as to quantity with that of other clerks?

Answer. I think it compared favorably, for a new man.

Question. Do you know William E. Stith?

Answer. Yes.

Question. What position does he occupy?

Answer. He is assistant chief of our division—the eastern division.

Question. What were the duties of Mr. Stith?

Answer. He is one of three who have general supervision of the work of all the men in that division.

Question. Mr. Morrison, do you know anything about the rating of Mr. Keim while he was in the eastern division?

Answer. No; I can not testify as to ratings.

Question. Do you know of any fact tending to show whether the record or rating of any clerk in your division, as to efficiency. was correctly or incorrectly made?

Answer. I do not.

Question. What salary do you receive?

Answer. Fourteen hundred dollars.

Question. What is the highest salary you have ever received?

Answer. Fourteen hundred dollars.

Question. Were you in the Army of the United States?

Answer. Yes, sir.

Question. Do you know whether or not preference has been given in the promotions or reductions of clerks in the office to those who were honorably discharged from the Union Army?

Answer. I do not know that soldiers stand any better chance than anybody else.

Question. Do you know of any soldiers, aside from Mr. Keim. who have been dismissed from the Pension Office?

Answer. I do not recall any.

Question. Do you know whether many changes were made after the present Administration came into power?

Answer. There were a good many.

Question. Do you know to what political party those promoted generally belonged?

Answer. Some were promoted from both parties, but generally Democrats.

Question. How about dismissals?

Answer. Those dismissed were generally Republicans, as far as I know.

Question. Do you know whether Mr. Keim made any complaint as to the position of his desk while he was there?

Answer. He complained that the light was not strong enough, and he would like to move his desk to a place where there was better light and where there were some vacant desks.

Question. What action was taken on his complaint?

Answer. I do not know what action was taken.

Question. What did you tell him?

Answer. I told him I had no authority to permit him to move.

Question. Mr. Morrison, is it the duty of the section chief to look over and pass upon the work of each clerk in his section?

Answer. Yes; that is a part of his duties.

Question. Do you know whether the section chief or assistant section chief turned back more work for correction from Mr. Keim than from other new clerks.

Answer. I do not know that he did.

Question. When you had charge there did you turn back more work from Mr. Keim than from others?

Answer. I did not.

Question. Do you know whether Mr. Keim, while you were acting as section chief, turned out more work than any other new clerk?

Answer. I do not know that he did.

Question. Mr. Morrison, do you know the character and kind of cases that were given to Mr. Keim to adjudicate while you were assistant chief of the section?

Answer. He was given the same general work that was given to others of that section.

Question. How long does it ordinarily take the average clerk to become a proficient examiner in the Pension Office?

Answer. Six months to a year; but I heard General Dudley, formerly Commissioner of Pensions, once say that hardly any clerk could earn his salary in adjudicating cases until he had been in the office a year.

Question. What is your judgment, from your observation and experience, as to the truth of that statement?

Answer. I think it is pretty nearly right.

The examination by counsel being concluded, the witness, in compliance with the rule of the court requiring him to state whether he knows of any other matter relative to the claim in question, and if he does to state it, says: "I know of nothing further."

JOHN MORRISON.

DISTRICT OF COLUMBIA,
City of Washington, ss:

I, Erastus S. Rockwell, a commissioner of the Court of Claims of the United States, certify that at the time and place aforesaid John Morrison, a witness on behalf of the claimant in the above-entitled cause, was by me sworn before any question was put to him to tell the truth, the whole truth, and nothing but the truth relative to the said cause; and that his answers were taken down in my presence and his deposition, as above set forth, was read over to and signed by him, before me, at the time and place aforesaid.

In witness whereof I have hereunto set my hand and affixed my official seal this 5th day of January, A. D. 1897.

[SEAL.] ERASTUS S. ROCKWELL,
Commissioner of the Court of Claims.

DEPOSITION OF SAMUEL G. ROGERS, FOR CLAIMANT.

[Taken at Washington, D. C., on the 11th day of January, A. D. 1897.]

Claimant's counsel, Luther R. Smith; defendant's counsel, John G. Capers.

SAMUEL G. ROGERS, having been produced as a witness on behalf of the claimant, was by me sworn, before any question was put to him, to tell the truth, the whole truth, and nothing but the truth, relative to the said cause, thereupon deposed and said that he has no interest, direct or indirect, in the claim which is the subject of inquiry in said cause, and that he is not related to the claimant.

And thereupon the said Samuel G. Rogers was examined by the

counsel for the claimant, and, in answer to the interrogatories, testified as follows:

Question. Mr. Rogers, will you please give your full name, age, residence, and occupation?

Answer. My name is Samuel G. Rogers; age, 50; residence, 1223 Kenyon street NW., Washington, D. C.; I am a clerk in the Pension Office.

Question. How long have you been a clerk in the Pension Office?

Answer. Ten years.

Question. When did you first go into the Pension Office?

Answer. In October, 1886.

Question. What are your duties there?

Answer. I am letter critic, or reviewer of correspondence.

Question. How long have you occupied that position?

Answer. Since April, 1893.

Question. Do you know Mr. Keim, the claimant in this case?

Answer. I do.

Question. How long have you known him?

Answer. I do not know for certain, but I think since 1893, or since the time when he came into our division.

Question. What is your division?

Answer. The Eastern division.

Question. Did you have occasion, in your office, as letter critic, to look over the letters which Mr. Keim wrote?

Answer. It was my duty to look over all of them.

Question. Do you know the number of letters which he wrote while you were critic, relatively to other clerks?

Answer. All I can say as to that is that he did not write as many as some, and he wrote more than some others. There were others who wrote about the same. His output was the same as a number of others.

Question. How did his number compare with the average of the clerks who had not been in the office longer than he?

Answer. I would judge that his work was about the average—about the same as that of other clerks who had not been there longer than he had; that is, as to quantity.

Question. Now tell us, Mr. Rogers, how was it as to quality, and how did it compare with others who had been there some time?

Answer. It was not as good as some and was better than others. There were some clerks who did not write as good letters as he did, and some who wrote better. (Ib. pp. 6–9.)

The CHAIRMAN. Is there anything else you wish to say in regard to the matter?

Mr. KEIM. No, sir; I have stated the substance. I merely wish to state that the present civil-service law is not properly framed so as to protect people, and they are subject, after they have taken the trouble to pass through the civil service and finally secure an appointment, to the whim of somebody who has a little power, and they are likely to be fired out at any time. Consequently it is not worth while to go through the civil service unless the law shall be strengthened.

The CHAIRMAN. It is the manner of the execution of the law to which you object?

Mr. KEIM. Yes, sir. In other words, there is no provision made to sustain a man when he is in office, so that he can hold his office, or to give him a hearing so that he can defend himself. This is the main point. If there had been a tribunal before which I could have had an impartial hearing, they would not have dared to discharge me. But

gentlemen, you know well enough that if you have somebody against you with a personal grievance and so on, especially a Member of Congress, it is no trouble for him to get the Bureau to dispose of you. There is no trouble about it. This part of the law ought to be abolished.

Mr. WALES. You stated that Mr. Roosevelt said that the Commission would not do anything unless you were discharged for political reasons. Do you remember whether that is just what he said? What was the substance of his statement?

Mr. KEIM. That was the substance. The heads of bureaus are smart enough to assign a cause which is in accordance with the civil-service rules. Otherwise they would be in a snarl. In other words, some subordinate who has charge of the rating will, by hint, put you down, down, down, until they have a cause to discharge you.

Mr. WALES. Perhaps you did not quite understand me. What I mean is, do you remember exactly what Mr. Roosevelt said to you? You said he stated that unless you could show that the discharge was for political reasons the Commission could do nothing.

Mr. KEIM. The heads of Departments, of course, will give everybody a pretended cause for his discharge.

Mr. WALES. I do not mean that. Did not Mr. Roosevelt say to you that the Commission would act upon offer of proof?

Mr. KEIM. He said unless I could show, and consequently prove, political reasons as the grounds of my discharge the Civil Service Commission was powerless to do anything in the matter.

Mr. WALES. You are sure it was that?

Mr. KEIM. Yes, sir; I had to make that charge and prove it, eventually.

Mr. WALES. You would finally have to prove it. But before the Commission took any action?

Mr. KEIM. Yes, sir; that is what he said—that he could not interfere in my case because I did not charge him with anything political. Of course, I could not charge him with anything political, because it was really a personal more than a political affair.

Senator CHILTON. Mr. Keim, does the testimony which you have filed here give all the evidence you have in regard to the reason for your discharge?

Mr. KEIM. This is all the testimony I was financially able to furnish. I could have got a hundred more witnesses, but the expense of printing and everything else was such that I only furnished as much as I thought was necessary to overcome the charge.

Senator CHILTON. What I wish to ascertain is, whether an inspection of this testimony will show the full nature of your case.

Mr. KEIM. Yes, sir; it will show the full nature of the case, and not only that, but it shows also that others have been treated as I was and some worse.

Senator CHILTON. You do not know anything about the reasons for your discharge other than what is contained in this testimony? Is your testimony here, too?

Mr. KEIM. Yes, sir.

Senator CHILTON. You have not learned any new facts since this testimony was taken?

Mr. KEIM. No, sir.

Senator CHILTON. So that it contains really all you know about it?

Mr. KEIM. One of the chiefs gives his testimony that he has reason to believe that inefficiency was not the real reason of my discharge. It was something else.

Senator CHILTON. Does that appear in the testimony?

Mr. KEIM. Yes, sir.

Senator CHILTON. I wish to ask whether your whole case is in this printed record?

Mr. KEIM. He says he understood that that was not the real reason.

TREASURY DEPARTMENT.

REGISTER'S OFFICE.

The CHAIRMAN. The next witness is Mr. Blasland.

TESTIMONY OF WILLIAM BLASLAND.

WILLIAM BLASLAND, being duly sworn, testified as follows:

The CHAIRMAN. State where you have been employed.

Mr. BLASLAND. I have been a clerk for thirty-two years in the Register's Office. I served three years in the Army and thirty-two years in the civil service—thirty-five years.

The CHAIRMAN. You mean you were in the United States Army, serving three years?

Mr. BLASLAND. Three years. While at City Point I made application for a position in the civil service, and was appointed October 16, 1864, to the Register's Office.

The CHAIRMAN. What position did you occupy when you were first appointed?

Mr. BLASLAND. I came in as a $1,200 clerk; was examined, and in 1865 I was designated and promoted to $1,400. In 1869 I was examined and promoted to $1,600, or third class; and in 1880 I was promoted to $1,800. There were five persons at the competitive examination for four vacancies; I was one of the five, and I got one of the positions as an $1,800 clerk. In October, 1894, I was reduced from $1,800 to $1,400, after keeping the appropriation ledgers for eighteen years in the Treasury Department, the bookkeeper's division, receipts and expenditures; and in November, 1896, I was again reduced to $1,200. That is the skeleton of my service.

The CHAIRMAN. Will you please state to the committee the reasons assigned for reducing you.

Mr. BLASLAND. The so-called Dockery law legislated out of office the receipts and expenditures division, and 12 soldiers, of whom I was one, were discharged, and of 7 soldiers' widows 3 were discharged. During that time, from 1893 to 1894, there were 6 citizens promoted, 2 who were promoted jumping one grade, from $1,200 to $1,600. A fellow by the name of Armstrong, who came in as a messenger in our division, was an efficient boy, and I saved him. He had just got married. He went ahead of me, who was an old clerk in the office. He was promoted—jumped one grade. In 1895 or 1896—I am not positive as to the date—he was promoted from $1,200 to $1,600.

The CHAIRMAN. Did his promotion interfere with your promotion? Would you have been promoted if he had not been?

Mr. BLASLAND. According to the Revised Statutes, it seems to me that soldiers who are deserving and efficient ought to receive some kind of consideration, which they have not had, Mr. Senators, during the last four years. As you know, and as everybody else knows, the soldiers have got it in the neck every time. It did interfere with me.

I was reduced without showing any cause. I was not to blame for it. This Democratic expulsion law went into effect and expelled these soldiers and soldiers' widows.

The CHAIRMAN. Did that have any bearing on your being reduced?

Mr. BLASLAND. Of course. The Dockery law eliminated the receipts and expenditures division entirely.

The CHAIRMAN. You were transferred to some other division?

Mr. BLASLAND. I was transferred to another division in the Register's office.

The CHAIRMAN. When were you transferred, and what position did you then get?

Mr. BLASLAND. One thousand four hundred dollars.

The CHAIRMAN. A similar position?

Mr. BLASLAND. Yes, sir.

The CHAIRMAN. You were transferred to a position paying a like salary?

Mr. BLASLAND. They reduced me to $1,400 and transferred me.

The CHAIRMAN. When you got there, what happened?

Mr. BLASLAND. I will tell you what then happened. My wife and daughter were in Boston. My daughter was studying music, and my wife was with her. I made application to go to the customs division of the First Auditor's office in order to get a transfer to the Boston custom-house. I thought I might be able to get that, and I had to serve, according to the Civil Service Commission, six months in the customs division before I could get a transfer. I went there and served eight months. In the meantime I did not succeed in getting a transfer to Boston.

Then Congress came into session, and, being on the list of clerks, I was in danger of being dropped out, because they always go for clerks who are off the regular rolls. That has been my experience. So I went to work to get on the roll so that I would not be dropped out, and Senator Cullom had my name put on the roll for the First Auditor's Office at $1,400. When Congress met there was a difference between the Senate and the House, and that was eliminated. Then the Register, who pretended to be a great friend of mine all the time, called me down. He said, "I do not want to see you discharged, Mr. Blasland. You had better fix up your matters." I did the best I could. I went to see the appointment clerk. He had me put with the Auditor for the State Department at $1,400.

In the meantime the Register, as I found out from somebody inside, put my name down for discharge so that he could get his own son in, which he did, and had me transferred to the Light-House Board, where I am now at $1,200. There was a vacancy in the Register's office at $1,400, and I was picked out for that vacancy. When the Register found that out he wanted to get his own son in, so he went to work and got me transferred to the Light-House Board, where I am now. I get $1,200. Meantime his son came in at $1,000 as his private secretary. Then he was promoted, I understand, without any examination.

The CHAIRMAN. Do you mean that the son was promoted to the $1,400 place?

Mr. BLASLAND. He had the typewriter put into that place. A soldier could not get it. He put his typewriter in there. He immediately went and got Secretary Carlisle to sign it, getting his typewriter put into the $1,400 place, and the old soldier had to hoof it, as they have had to do for the last four years. He seemed to have a spite against the old soldiers, somehow or other.

I wish to say one other thing, if it is not irrelevant.

The CHAIRMAN. Anything bearing on your treatment would be relevant. Any outside matters we do not want to hear.

Mr. BLASLAND. They promoted citizens, jumping from one grade to another. One was brought in there as a private secretary in the first place by——

The CHAIRMAN. I suggest that whenever you speak of any particular instance where there was a promotion or an infringement of the law you give the name of the party and the circumstances attending it.

Mr. BLASLAND. I will give the name.

The CHAIRMAN. Otherwise your testimony would not be of much value.

Mr. BLASLAND. A man named Adams came in as private secretary to the Register.

The CHAIRMAN. When?

Mr. BLASLAND. I can not tell you the exact date, as I do not remember.

The CHAIRMAN. Give it as near as you remember.

Mr. BLASLAND. Somewhere about 1895, I should suppose. He came in at $1,600, and, so far as I can find out, he never went through any examination. He was transferred from the position of Register's private secretary to the note and coupon division of the Register's office, in the same Bureau, at $1,600. I have reason to believe that he never was examined at all. Then he took his son in at $1,000, and had him promoted to $1,200, and got him ahead of me, so that he could give his son $1,200. He had me transferred to the Light-House Board. Then a young man came in from the Signal Office at $1,000, and he has been pushed up to $1,600.

The CHAIRMAN. What is his name?

Mr. BLASLAND. Meservy. I do not know his given name. That is all that bears on my case. There is one other case. A messenger was brought in there and an ex-Union soldier discharged.

The CHAIRMAN. State the name of the messenger.

Mr. BLASLAND. He is a one-armed soldier. His name is Demar. He was discharged and a man from Florida brought in and put in his place and promoted to a $900 position. I have all this here in writing.

The CHAIRMAN. You can file the paper.

Mr. BLASLAND. As to this I can put up my hand and swear. I am an old clerk, and I know almost all the clerks in that office.

The CHAIRMAN. You swear that this is a correct statement?

Mr. BLASLAND. Yes, sir. It is a correct statement, Mr. Senator. Some of the given names are not on the paper, but most of them are.

Senator CHILTON (after examining paper). This is really more comprehensive than what you have been testifying to.

Mr. BLASLAND. Of course. I could put it more concisely in writing than I can deliver it offhand.

STATEMENT OF REDUCTIONS, DISMISSALS, AND PROMOTIONS IN THE REGISTER'S OFFICE, TREASURY DEPARTMENT, FROM 1892 TO 1894.

(1) Armstrong, Thomas, promoted from $1,200 to $1,600; from Mississippi.

(2) Brown, from Illinois, 1893, from $1,000 to $1,200; 1894, from $1,200 to $1,600 (jumping one grade); 1894, transferred Architect's office, and promoted afterwards to $1,800.

(3) Taylor, promoted from $1,600 to $1,800, and transferred to bookkeeper's division, Secretary's office.

(4) Adams came into the Register's Office at $1,600, as private secretary to J. Fount Tillman, the Register of the Treasury, since transferred to the note and coupon division, same office. Adams has had no examination before the Civil Service Board as affiant knows of.

(5) Tillman, son of the Register, came into the Register's Office as his father's private secretary at a salary of $1,000, and was promoted to $1,200 soon afterwards. It is said that he was not 17 years old when he came into said office. No civil-service examination.

(6) Meservy was transferred from the Signal Office, at $1,000; since promoted to $1,600. Examination before the Board somewhat doubtful.

(7) McLaren, from Florida, appointed as a messenger in place of De Mar, a one-armed Union soldier, discharged. McLaren afterwards promoted from messenger to a clerkship, at $900.

REDUCTIONS AND REINSTATEMENTS.

(8) October, 1894, Allen Wall, Union soldier, reduced from $1,800 to $1,000; dead.

(9) October, 1894, William Blasland, Union soldier, reduced from $1,800 to $1,400, and in November, 1896, reduced to $1,200.

(10) October, 1894, C. P. Freeman, Union soldier, reduced from $1,800 to $1,400.

(11) John Johnson, reduced from $1,600 to $1,400; a one-armed Union soldier.

(12) Captain Foote, reduced from $1,400 to $720; a one-leg soldier, Union Army.

(13) George Allen, one-leg Union soldier, reduced from $1,600 to $900.

(14) W. F. De Decknight, Union soldier, reduced from $1,400 to $1,000.

(15) Captain Burnham, a Union soldier, reduced from $1,600 to $720.

(16) George Lillibridge, Union soldier, reduced from $1,600 to $1,400.

(17) Gridley, a Union soldier, reduced from $1,600 to $1,000.

(18) W. F. Gapen, citizen from Illinois, reduced from $1,800 to $720.

(19) Jenison, citizen from New York, reduced from $1,800 to $720 and dismissed.

(19½) H. C. Pearson, Union soldier, reduced from $1,800 to $1,400; afterwards reinstated.

(20) Mrs. Crawford, soldier's widow, reduced from $1,400 to $900.

(21) Mrs. Hicks, soldier's widow, transferred to Sixth Auditor's Office and reduced from $900 to $720; discharged.

(22) Van Arsdale, citizen, reduced from $1,600 to $1,000 and discharged; afterwards reinstated at $1,800.

(23) Mrs. McCullock, soldier's widow, reduced from $900 to $720, and transferred to Sixth Auditor's Office.

(24) Mrs. Sterling, soldier's widow, dismissed.

(25) Mrs. Johnson, soldier's widow, dismissed.

(26) Mrs. McCaffery, soldier's widow, reduced from $900 to $720; transferred to Sixth Auditor's Office.

(27) Mrs. English, soldiers' widow, reduced from $1,200 to $900.

Nineteen soldiers and soldier's widows reduced and discharged.

One soldier promoted during the last six months.

One soldier reinstated.

Six citizens promoted.

ADDITIONAL TESTIMONY OF MORRIS KEIM.

Mr. KEIM. There is one other remark which I wish to make in relation to my case. I will state that when I was promoted I passed every time through a competitive examination.

The CHAIRMAN. All your promotions were made after passing through a competitive examination?

Mr. KEIM. Yes, sir. There is a custom in the Pension Office to discharge ex-Union soldiers every time. Out of 27 men at one discharge 24 were ex-soldiers. That is all I have to say.

AGRICULTURAL DEPARTMENT.

STATEMENT OF HON. JAMES WILSON.

Hon. JAMES WILSON, Secretary of Agriculture, appeared before the subcommittee.

The CHAIRMAN. I addressed a letter to the heads of Departments, and among other things I asked the following question:

"To what extent have the civil-service rules been promulgated in your Department?"

You may address yourself first to that inquiry.

Secretary WILSON. I will answer fully and entirely. I am endeavoring to execute the civil-service law and the rules under it to the letter.

The CHAIRMAN. You mean, then, that the regulations have been extended to every branch of your Department?

Secretary WILSON. They have been extended to everything except laborers.

The CHAIRMAN. We shall be glad to have a statement from you as to whether there should be modifications in the law; and if so, to what extent, in your judgment, the law should be modified?

Secretary WILSON. The experience I have had since I have taken charge of the Department leads me to conclude that it is difficult to get heads of divisions with sufficient practical experience through civil-service examination. We want men in my Department who not only have a good foundation education, but also a good deal of practical knowledge of the world; and we are quite likely to get bright school boys. They answer civil-service questions better than men who have been away from school and college some years, and yet while they are able to do that, they lack the practical experience which is absolutely necessary in the heads of some of my divisions.

As to field agents, I will state that it is necessary, in carrying out the laws of Congress, to send confidential agents to find out things. I can illustrate: The agricultural appropriation bill, just passed, requires me to send a man to Alaska to ascertain whether if an experimental station were established there it would be beneficial to the people of that Territory. I understand I have power to appoint a man for only 90 days. So in that case I will ask leave of the Civil Service Commission to send a man, and it will agree that I can send one for 90 days. Then at the end of that 90 days of course his work will not have been completed, and I must ask leave to extend the time, etc.

It seems to me that these special agents should not be under civil-service rules. Peculiar qualifications are necessary there which will not be brought out by civil-service examination, and the employment is for only a little while.

Another illustration: Our people would like to grow sugar beets to save the $100,000,000 that we are paying now to foreign countries for sugar. Experimentation indicates that we have conditions in the United States that justify us in making the attempt. I have sent seed to nearly all the States in the Union—to perhaps 20,000 people. The seed has gone South as well as North. Europeans tell us that a certain mean temperature is necessary during the ripening period of the beet in ort er to enable it to sugar properly. We must establish a belt across the United States; get all the facts possible for the people, so that those living outside of that belt need not waste their energies, and so that capital may be safely invested inside of the belt. The belt here is wider, perhaps, than it is in Europe. We have pretty good indications now that 75 degrees will grow sugar beets.

The point I am coming to is this: I wish to have an agent in whose industry, integrity, and intelligence I have the utmost confidence, who shall take charge of that work from now until the experimentation is completed this fall, and see to it that experiment stations through which I have sent the mass of the seed take sufficient note of the temperature, of the rainfall, and send us samples of the soil, and all those things—which requires a man of education; and not only that, but a man of broad, practical experience, industry, address, intelligence. I have no such man in my Department.

I inquired of the agent in charge of the technical divisions whether we have a man in the Department with experience enough in agricultural affairs generally to be able to give us the best service in getting that information. He informed me that we have not; and my experience in the Department suggests to me that we have not such men there.

I can appoint a man now for ninety days. He can not finish the work in ninety days, and I do not think he can finish it in twice ninety days. So, from the experience I have had and in studying the work of the Department up to this time, I am of the opinion that these confidential agents who are expected to get information that the Department and Congress want should not be under the civil service, because we are more likely to get a bright schoolboy than a gentleman of broad experience and observation.

The CHAIRMAN. Have you given any thought to the question of the appointment of statisticians in the different States—whether or not they should be under the civil-service rules?

Secretary WILSON. I am very strongly of the opinion they should not be.

The CHAIRMAN. Please give any reasons you may have for thinking they should not be.

Secretary WILSON. A man, to give the best reports from a State regarding the condition of the crops at different seasons of the year, must be a man of much more than school education. In fact, he must be a man of an observing turn of mind, broad intelligence, who may have forgotten the rule of three, but who will give us a more intelligent idea of the state of the crops than a man of fine literary attainments might who has not been observing such matters and studying them many years of his life. So I doubt whether a civil-service examination would bring out the men who would make the best observers of the conditions of crops. It may be that a young, bright fellow, just out of college, who can tell about what he studied in college, would eventually grow to be a valuable man. While that may be, I doubt the wisdom of having that class of employees under civil-service rules at present.

The CHAIRMAN. What is your judgment as to messengers; should they be under the civil service? Can you get better service by taking them under the civil service?

Secretary WILSON. I have not given that point very much attention. I have not thought very much about it. I have been thinking about the more important work in the office.

The CHAIRMAN. You are not prepared to say whether messengers and employees of that class should or should not be under the civil service?

Secretary WILSON. I think I would probably have a more matured opinion regarding it after further time to observe the workings of the law in that respect. I have been giving almost my entire attention to the other matters of which I have been speaking.

I want to head my divisions toward the fellow who works in the field with his coat off, and the messenger and watchmen have not occupied my thoughts very much.

The CHAIRMAN. You think, then, that you can get better service by picking men who are practical rather than theoretical—men who understand these matters practically?

Secretary WILSON. I think it is entirely within my power to get all the intelligence necessary, combined with the practical knowledge. We have a very well educated people in the United States, the result of our school systems, and sufficient intelligence to fill these places is quite common, but the knowledge that comes from long observation of certain conditions is only possessed by men of matured judgment.

Senator CHILTON. I am not sure, Mr. Secretary, that I understand you correctly. I understood you to make a general statement at the beginning that you think perhaps the chiefs of divisions ought not to be under the civil service. Is that correct?

Secretary WILSON. Yes.

Senator CHILTON. But in your detailed statement you only refer to inspectors, as in the case of the sugar-beet investigation or the experiment station in Alaska.

Secretary WILSON. Special agents.

Senator CHILTON. I do not recall that you gave any reason why you think the chiefs of divisions ought not to be under the civil service.

Secretary WILSON. I might illustrate it. I have several divisions. They are all designed to help the producer. Take the dairy division as an illustration; I have some doubts whether we can call upon and secure through the Civil Service Commission a man having all the qualities that are necessary for an intelligent chief of that division, because it is almost impossible to frame questions which will draw out of a man the knowledge that he possesses the qualities that are necessary for such an officer. He must have broad common sense as well as mere technical knowledge of the matters in his hands. He should be a man who has a knowledge of the world which is not obtained from books or classics. I doubt whether we can frame questions which will bring out whether the applicant has all the requirements necessary for a man who is to act as head of that division. Such men are known to us; they grow up, become prominent in certain lines, but they might fail on geography, mathematics, history, and a great many other things. General knowledge of the work which you call them to supervise is of the first importance.

I might illustrate what is in my mind by suggesting the advisability of getting a Member of Congress by examination in the District. Could you frame a series of questions that would determine anything? There

are a great many things that a Member of Congress must know, and knowledge of which may make him acceptable to a people or efficient as a public servant, that no system of questioning would draw out. There are persons known in the world as cranks and faddists who are magnificent scholars, fine mathematicians, who are well up in literature and all that, and yet they need directing minds in order that they may do good work in this world. You will sometimes find a man of that kind happily under the wing of an intelligent wife or mother or friend, but unless they have such mentors they are failures. For heads of divisions we should have all-round men who have the faculty of getting along with those under them and those over them, and who have ability to make their divisions of the most possible use. I now have officers who have been drawn out and brought into the Department through civil-service examination who are men of remarkable attainments, but they need guidance. A division would not be safe in their hands. They go off on tangents, etc.

Senator CHILTON. You would have no hesitation in discharging such a man?

Secretary WILSON. No; none whatever. The difficulty would be in getting the next one. If I could appoint a man, I should select a level-headed man. At present I must go to the Civil Service Commission, and they can only send me the name of the man who in percentage answers the greatest number of questions asked.

Senator CHILTON. Are there any chiefs of divisions in your Department at this time who have been procured through civil-service examination?

Secretary WILSON. I think not. There are assistants, however, near to the chief.

Senator CHILTON. All your chiefs, then, are gentlemen who were in office at the time the civil-service regulations were extended to your Department?

Secretary WILSON. Yes.

Senator CHILTON. What would be your direct and matter-of-fact suggestion? What limit would you really assign to the civil-service rules to bring them down to what you conceive to be a proper sphere? Suppose you were going to put on paper a law applicable to your Department, what would you advise?

Secretary WILSON. About what President Harrison had. I think they have gone too far.

Senator CHILTON. You think about where President Harrison had it is about the proper limit?

Secretary WILSON. Yes, sir; I think it was very beneficial as then applied.

The CHAIRMAN. Do you know the number of men in your Department under civil-service rules who did not stand the examination but were simply classified? Do you know the percentage of them?

Secretary WILSON. No, sir; I do not. Probably half the heads of divisions, and perhaps a great many others. I could ascertain definitely for you; but it is probably about 40 per cent of the whole number.

The CHAIRMAN. Inasmuch as there is a rule which permits the reappointment of any old soldier who was dismissed, if that rule is to obtain and the law is to stand as it is and they are to remain as they have been, covered with the blanket of the civil service, so to speak, do you not think that those who have been discharged, but not on account of inefficiency or for any cause, should also be permitted to remain on the eligible list? For instance, if a competent man was dis-

charged and some other one put in his place, do you not think, if the civil-service law is to be executed and maintained, that there should also be placed on the eligible list for reappointment men who were discharged not on account of inefficiency and with no just cause for their discharge?

Secretary WILSON. That would be fair to them, evidently.

The CHAIRMAN. Do you not think it would be executing the civil-service law in the spirit in which it was intended to operate if that were to be done?

Secretary WILSON. Yes; and I think that those who were put in without an examination should be examined.

The CHAIRMAN. Do you not think it would be proper to require each man covered up by the civil-service extension to stand a civil-service examination, so that all should be put on an equal footing?

Secretary WILSON. I think so.

The CHAIRMAN. There is one question that does not relate to your Department, but if you care to give an opinion on it we would be glad to have it. The civil service is extended now to deputy collectors of internal revenue.

Secretary WILSON. That is out of my Department.

The CHAIRMAN. You do not care to answer as to that?

Secretary WILSON. I think you would get a more intelligent answer from that Department.

Mr. WALES. I would not presume to question Secretary Wilson, except that possibly he is under a misapprehension on one little point.

The CHAIRMAN. Mr. Wales will ask any question he desires.

Mr. WALES. Mr. Secretary, you stated that you would be obliged to take the one man with the highest percentage. I presume you understand that three are certified?

Secretary WILSON. I know that the names of three are sent up.

Mr. WALES. You understand that?

Secretary WILSON. Yes; I know it.

Senator CHILTON. I do not know, Mr. Secretary, that I understood clearly your answer a while ago to Senator Pritchard. I understood you to express the opinion that all the employees who were in at the time the civil service was extended to your Department should be subjected to an examination. Do I understand that to be your preference?

Secretary WILSON. Those who were put in in place of those discharged; that is what I mean.

Senator CHILTON. Those put in before the extension of the civil service?

Secretary WILSON. Yes.

The CHAIRMAN. For instance, where a man was discharged and another man put in his place and immediately covered by the civil service, you think the man thus put in ought not to be required to pass an examination?

Secretary WILSON. That is what I mean.

Senator CHILTON. Were there any general discnarges and reappointments in the Agricultural Department very recently, prior to the extension of the civil service to that Department? Was there within your knowledge any general system of discharges in anticipation of the extension of the civil service, or about the same time, to put it rather more accurately?

Secretary WILSON. I should have to look at the records in regard to that matter so as to know just when the discharges took place. I have

made inquiry regarding the number of old soldiers who were discharged in that Department during the last four years, and I find the number to be something like 170. I only inquired regarding them.

Senator CHILTON. Do you remember how many old soldiers are still in employment in that Department?

Secretary WILSON. That I did not inquire into. I can get the facts regarding these matters, however. The civil-service rules and law permit me to reinstate old soldiers, and so I called for that information.

Senator CHILTON. Do you remember how many of the other class there are that you referred to—that is, men who were discharged other than old soldiers?

Secretary WILSON. That I did not inquire into. I do not know the number.

Senator CHILTON. The class you inquired about were men whom you think should possibly be subject to reappointment without examination?

Secretary WILSON. That is the class I refer to—the old soldiers.

Senator CHILTON. I thought you might have definite information regarding the number discharged.

The CHAIRMAN. We would be under obligation to you if you would furnish us a statement as to the number of men discharged immediately preceding the extension of the civil service rules. As suggested by Senator Chilton, it would be of great benefit to the committee in its investigation. I do not ask you to furnish it now, but you can send it to the committee.

Secretary WILSON. Very well.

Senator CHILTON. I understand the chairman to mean those other than old soldiers.

The CHAIRMAN. Other than old soldiers.

Senator CHILTON. The old soldiers are eligible anyhow.

The CHAIRMAN. Of course, they are eligible anyhow, but we want a list of the others who were discharged in the different branches of your Department.

Secretary WILSON. I can obtain that.

The CHAIRMAN. It might be well to give the reason.

Secretary WILSON. I find, in looking at the record, that the reason is rarely given. Even in regard to old soldiers——

The CHAIRMAN. Has that been the practice since the adoption of civil-service regulations in the Agricultural Department?

Secretary WILSON. Before I reinstate an old soldier I require the appointment clerk to bring me his record in the Department, and also call upon the Secretary of War to give me his record in the Army. It is exceedingly rare that I have found any reason given for the discharge. There are cases, of course, where men have been discharged for cause, and when I find that to be the case I look very carefully. I have not reinstated anybody where there was on the record some reason why he was discharged. I have made no such reinstatement. There are some cases that I have investigated to find out what the foundation of the discharge might be.

The CHAIRMAN. Have you had occasion to examine the record of any soldier or civilian who has been discharged since the adoption of the civil-service rules in your Department?

Secretary WILSON. I do not recollect such a case.

The CHAIRMAN. You do not remember any such case?

Secretary WILSON. No; I do not.

The CHAIRMAN. We should like to have your opinion, if you have an

opinion, as to the nature of the questions, whether they should be practical or theoretical, in order to test an individual's qualifications for discharging the duties assigned to him, as to whether he should be examined with respect to the duties which he has to perform, or as to whether he should be examined as to technical knowledge and books.

Secretary WILSON. It would depend more on what you want him for.

The CHAIRMAN. For instance, a man is to be examined for the position of a copyist. What, in your opinion, should be the character of the examination for that kind of a man? Should he be examined as to technical questions?

Secretary WILSON. I think not. I think he should be examined, principally, with regard to what he has to do. Of course, it would be wise to inquire, to some extent, concerning a man's general knowledge of affairs.

The CHAIRMAN. In examining a man for the Agricultural Department who is required to deal with questions practical in their nature, should he be examined with respect to technical knowledge or should he be examined with a view to ascertain whether he has a practical knowledge of farming and such things?

Secretary WILSON. The latter more specifically; to some extent, perhaps the former. I might want a man to report on the condition of crops. We should have one of the broadest minded men in the State to do that work, one who is informed regarding everything that bears directly and indirectly upon the subject.

Senator CHILTON. Have you had occasion to examine the examination blanks for the different lines of employment in the Agricultural Department?

Secretary WILSON. Not to any great extent. We have not called for many since I have been here.

Senator CHILTON. What I want to get at is whether you have any suggestions to make of specific improvements in the examination blanks, whether you have ever undertaken to go over them with a view to make suggestions in regard to the form of questions?

Secretary WILSON. No; I have not had time to study that.

Senator CHILTON. Have you ever had any interview with the Civil Service Commission in regard to that matter?

Secretary WILSON. No; I have not.

Senator CHILTON. You have never made any suggestions to them on that point?

Secretary WILSON. No.

The CHAIRMAN. Do I understand you to say that you think the examination ought to be made with respect to the duties which the persons have to perform in every instance—that is, that a general examination should not be had for all classes of clerks and employees in the Department?

Secretary WILSON. We need men in the Department of Agriculture who are well informed regarding the duties they have to perform, and I can not understand how a series of questions could be framed to draw out the whole man so as to enable us to see whether we were getting the men we need.

Mr. WALES. Mr. Secretary, in regard to the higher positions—heads of divisions and the others which you have mentioned—have you considered at all the idea of not attempting to fill vacancies in those positions by original appointment, but by promotion, transfer, etc.? Have you considered whether the best possible training that you speak of as being necessary for these men to make them suitable can not be perhaps best

attained by actual working experience right in the Agricultural Department in other positions?

Secretary WILSON. For the heads of divisions, you mean?

Mr. WALES. Yes; heads of divisions particularly, and some of the other positions—statisticians, field agents, etc. Granting that they have had experience in the Department, can you not get better men, on general principles, from the Department to fill such positions?

Secretary WILSON. No; I think not. I think there are certain things a man will learn in the Department and there are certain things necessary for the head of a division that he will never get as a clerk.

Senator CHILTON. You think, as I understand you, that the safest men for those positions are active men of affairs?

Secretary WILSON. Yes, sir.

Senator CHILTON. Men who come from the outside?

Secretary WILSON. Yes, sir. I can understand that an active man of affairs made an assistant to a chief of division might be strengthened for the position of chief at some future time. I can understand that; but if you begin the man at the bottom and keep him inside of those offices I do not believe that where he has to deal with outside affairs you will get a man as strong as one you can select from the business men of the country.

Mr. WALES. Even if suitable men could not be found in the Department for the higher positions, such as heads of division, etc., do you think that it would be impracticable to secure any kind of an examination, if experience in business matters were made an element in the test?

Secretary WILSON. He can not get a knowledge of the affairs which relate to agriculture if you keep him inside of those divisions and inside of those buildings.

Mr. WALES. Suppose you are taking a man from the outside, do you think it would be possible to test the practical experience which you think is needed by making experience an element in the examination, in the test?

Secretary WILSON. You would be pretty sure to get the schoolboy when it came to answering any questions that you get up. You are going to get the boy just out of school, because he will answer a large percentage of the questions better than the practical man, who has been out of school for a long time, could possibly answer them. The boy will go to the top.

Senator CHILTON. You think the kind of knowledge needed can not be put on paper? That is about your idea, I understand.

Secretary WILSON. Yes; you may put it that way.

Mr. WALES. The suggestion I was trying to make is that it is possible to make experience an element in the examination.

Secretary WILSON. I will give you an illustration, and I give it to you for your information.

Senator CHILTON. Nevertheless, I will just mention, for your own caution, that your statement, is to be published. Still, we could have anything not put down that you think it is necessary to leave out.

Secretary WILSON. I have been speaking freely to you with regard to my conclusions, as far as my observations have gone.

Senator CHILTON. Have you not understood that your statement is to be published?

Secretary WILSON. I do not know that I have any objection to that.

Senator CHILTON. I thought it proper to mention the fact to you that this testimony is to be published.

Secretary WILSON. Well, I will go ahead. We wanted a man in the Office of Experiment Stations to take the place of one who had resigned to accept a higher salary in an experiment station outside. It is his business to digest and collate the work of all the experiment stations regarding agriculture. That position requires very strong men. The United States has not a very great number of such men. Each State has a few. An examination was had and we got a boy just out of college—a bright boy, a good boy, one who will make a strong man along those lines after he has had time and experience, without a doubt, but he is only a boy. It is his duty to prepare the work of the scientific agriculturists of the country for the inspection of the scientists of the world. That is his duty, and for that duty they brought us a boy. They brought him from the Iowa Agricultural College. The boy graduated in the course of study that I had charge of. I know the boy, I know his excellence, but he is only a boy. He is to prepare matter for the study of all the agricultural scientists of the United States, and all the world outside of the United States. He has to make up that feature of the Congressional Record. Four men in college gave that boy his training in applied agricultural science, and if you will stand up those professors with that boy and put those questions he will beat his professors in answering the questions that you put, for the reason that he remembers everything. Yet, he was a pupil, and they gave him his instruction, they prepared him for the examination, and for his work. But he lacks what all his professors have. I think I could do that work; I think the other professors could do it, and yet the boy can beat the whole of us in answering those questions. Now, there is an illustration.

The CHAIRMAN. You do not think it is possible for a boy of that age to do the work successfully and satisfactorily?

Secretary WILSON. I do not say that. He must do it. We have the law behind us and the rules, and we propose to enforce those rules to the letter.

The CHAIRMAN. I mean in a satisfactory manner.

Secretary WILSON. He will obtain what help he can get from the rest of us. He will do the best he can.

The CHAIRMAN. Can he do it with the ease and facility a man of your age and experience or a man whom you could select from the outside would do it?

Secretary WILSON. You can judge whether a boy just out of college can do the work that a man with more experience could do.

The CHAIRMAN. I myself should think he can not.

Senator CHILTON. You spoke of other men. Of course you could do it better than he could, but could you get a man of the class you speak of at the salary the boy will get?

Secretary WILSON. I could put my hand on a man doing that work in college now and bring him here.

Senator CHILTON. You could?

Secretary WILSON. Certainly I could.

Senator CHILTON. That is the point I wanted to ascertain.

Secretary WILSON. Yes; certainly I could. I know all the workers doing that kind of work over the United States. I have been following them for years, studying their work.

Mr. WALES. Can you recall about the time when that examination took place?

Secretary WILSON. Yes; I know all about it.

Mr. WALES. About when was it?

Secretary WILSON. Last fall.

Mr. WALES. Do you remember the designation of the position? Is it editorial?

Secretary WILSON. Yes; of the Experiment Station Record. We wanted one to do the same work for the horticulturists of the United States, and we got from Nebraska another boy.

Senator CHILTON. Are you familiar with the persons who took that examination in competition with the boy? Did any men of the class you spoke of enter into competition?

Secretary WILSON. Oh, of course, I do not know. I only know the results.

Senator CHILTON. I thought possibly you had in mind somewhat those who were in competition with the boy.

Secretary WILSON. No; I am not guessing at anything. I know these two cases because three men were certified and we happened to need two, and we took those two. I want to go on record as saying that they have in them the making of first-class men; there is no doubt about that. But consider for a moment the interests involved—the application of science to agriculture and the application of science to horticulture, really the two most prominent directions in which the agricultural colleges and experiment stations are helping the farmer just now. The civil-service examination gave us two boys. It gave us two first-rate boys, but I would have put those boys in subordinate positions to learn the business and I would have put strong, commanding minds at the head to fill those two positions.

The CHAIRMAN. Are there any other instances of a like nature that you bring to mind?

Secretary WILSON. I have not been here quite two months, and these are the instances that come prominently to my recollection just now.

Senator CHILTON. I understand that those appointments were made since you came in?

Secretary WILSON. I made the selection myself.

Senator CHILTON. Since you came in?

Secretary WILSON. Yes, sir.

Senator CHILTON. I understand you to say that the examinations took place before you came in?

Secretary WILSON. Yes; the examinations took place last fall. A blank was sent me by the college with regard to the boy living there, with regard to what he had studied and all about him, and I filled it out myself. He is a fine young man.

The CHAIRMAN. Do you know the age of that boy?

Secretary WILSON. He is probably 22, or such a matter.

The CHAIRMAN. That is the boy in the agricultural line?

Secretary WILSON. Yes.

The CHAIRMAN. Do you know the age of the one in the horticultural line?

Secretary WILSON. No; I do not know him personally. For the head of a division I would appoint no man without personally knowing him. I would want to size him up. You recollect that Paul the Apostle gives an illustration of that kind when he is speaking about charity. A man might have a dozen other qualifications, and if he did not have charity he would not amount to anything. In this case you can examine a man with regard to everything he has heard of, and if he has not a level head on him he is of no use.

I want to tell you besides that I am in favor of civil service, so far as

it can be used and applied. I believe in it. I do not believe in the spoils system. I think in all these clerical positions men should be promoted according to merit. Get a good young man and grow him up. I would not abolish that system. I would not repeal that law; but it has been carried too far—at least, for my Department it has. But you will remember that my Department comes in contact with the industrial world much more than any other Department of the Government.

Senator CHILTON. In view of the statement which the Secretary has made to us, I think it would be very desirable to get all the heads of Departments to come personally before the committee.

Secretary WILSON. I came before the committee out of respect to the United States Senate.

The CHAIRMAN. We appreciate it, and we are delighted to have you. Your appearance in person is much better than a reply to a letter, because in this way the facts are drawn out clearly.

Secretary WILSON. I may change my mind on some of these points; that is, my opinion may be modified by more experience. I am telling you what I think now. Have you any further questions?

The CHAIRMAN. There are no further questions. Mr. Secretary, we are indebted to you for your presence to-day.

GOVERNMENT PRINTING OFFICE.

TESTIMONY OF WILLIAM C. CONNOR.

WILLIAM C. CONNOR, being duly sworn, testified as follows:

The CHAIRMAN. Where do you reside; in the city here?

Mr. CONNOR. At 33 K street NE.

The CHAIRMAN. Make any statement you desire to the committee.

Mr. CONNOR. To be sure that I would be right in giving you a correct statement, I made some notes that I will read to you.

The CHAIRMAN. Very well.

Mr. CONNOR. It is in regard to placing the Government Printing Office under the civil-service law.

The Chairman. Yes, sir; proceed.

Mr. CONNOR. The movement to place the Government Printing Office under the civil-service law was started by the printers. After about 1,700 people were discharged and the necessary number put back, the gentlemen holding preferred jobs concocted the scheme to get together and have the office placed under civil service and perpetuate themselves in positions for life. They first brought it up in the Printers' Union. The president was against it, but they passed a resolution to indorse it. Several men who opposed it were unfairly treated afterwards. They then succeeded in getting the Pressmen's Union to indorse it; that is, the local Pressmen's Union. They came to the door of the Bookbinders' Union and asked permission to come in, and it was refused, on the ground that the bookbinders were intelligent enough to discuss in their meetings what was beneficial for their welfare without the aid of the printers. A resolution was then offered in the bookbinders' organization to indorse civil service. No name was signed. That resolution was sent back for the man to sign his name, which he did. He held a preferred job, and afterwards made false charges against the man who opposed his resolution. The resolution was laid on the table after one hour's fight. It was brought up four times and knocked out, and a

committee appointed to call on the Civil Service Commission and protest against civil service in the bindery of the Government Printing Office. As we had to prove, before we worked in the Government bindery, that we were an American citizen and had served at least four years' apprenticeship at the trade——

The CHAIRMAN. That was the rule already, was it?

Mr. CONNOR. Yes, sir; before the civil service went in, and it was all, we thought, the United States Government should require. The committee on civil service then appeared at the door of the women's union. We have a women's union there, for beneficial purposes and for protection. It appeared at the door of the women's union, and after representing to the women that everyone in the building had indorsed it, they tried to have a resolution put through the women's union. They met with no success, and, as the binders were there to meet them and ask them questions in regard to the benefits of civil service, they found they had a pressing engagement and had to leave. But before leaving they admitted that the sole object was to perpetuate themselves in their positions. The bookbinders refused to indorse civil service and the women's union refused to indorse it. At the last printers' convention, at Colorado Springs, the International Union brought up the subject of civil service in the Government Printing Office, and debated it and voted on it, 116 delegates voting—115 voting against civil service in the Government Printing Office and 1 voting for it. That one delegate worked in the Office. Printers and bookbinders who have passed a high civil-service examination have been rejected after a practical examination in the Printing Office.

The CHAIRMAN. As to those discharged, do you know their names and at what time they were discharged?

Mr. CONNOR. Some of those men stayed in only a few days. The laws were so strict there that we were not allowed to leave our places without the consent of the man who was over us, and we were not allowed to speak to anybody if he was in another division without the consent of that man.

The CHAIRMAN. How is it, then, that you have knowledge as to dismissals? How do you know that they were dismissed when you are not able to give the names of the men who were dismissed?

Mr. CONNOR. I do not know the names of the men; they stayed there such a short time. Their work was not up to the proper standard and they were dismissed and sent out.

The CHAIRMAN. All right, proceed.

Mr. CONNOR. They had an examining board of three men there who have never passed an examination themselves. Those men examined these men's work and they found that they were not practical men and they were dismissed.

The CHAIRMAN. And you say the men who constitute this board have not stood an examination?

Mr. CONNOR. No, sir; they have not passed an examination. I will now call your attention to the laborers. Their wages up to two months ago, I am informed, was $2 a day, or 25 cents per hour. They were then raised (that is, before the present Public Printer came in) 1 cent an hour. That 1 cent an hour made them skilled laborers and placed them in the classified list. Anything over $2, I understand, is in the classified list. Two dollars and eight cents a day is their salary at present. They are no more skilled now than when they got $2. Anybody you pick up off the street can go in and do the work. They are unskilled men still, but placed on the list of skilled laborers.

I call attention also to the forewoman there with 104 sewing girls under her. She is responsible for that work. If anything is wrong she is called up. Every girl has her name on the work. That forewoman gets a salary of $2.75 a day. while other women with no responsibility get $3 a day and over.

The CHAIRMAN. For doing the same kind of work?

Mr. CONNOR. No, sir; different work. These are special places that were created. I contend, gentlemen, that as Congress holds the Public Printer responsible for the work to be turned out and not the Civil Service Commission. the Public Printer should sav what workmen he should employ.

Foremen who rated men's standing were rank partisans, and if you did not believe in their party you were classed as incompetent. If you crossed them you were thrown out with no redress. I know some of the present foremen who could not pass an examination. What right have they to ask the men who come in under them to pass something they could not do themselves? What right have the examiners to examine unless they have proven their ability by passing an examination themselves? Civil service is only wanted by a partisan, unscrupulous, selfish, ununion class of men in the Government Printing Office.

I should like to have you consider, Senators, the case of a young man after he serves his time at the trade, which is four years; some serve a little more, but four years is the actual time served at the bookbinding trade. That is the time I spent. Now, a young man can come down here and apply to the Civil Service Commission for an examination. He may be 21 years of age. He can not get journeyman's wages until he is 21 years of age. Then he can come to the Civil Service Commission and pass an examination. He can be attending night school. He has just served the four years. He can be placed in the Government Printing Office. Men who have served forty years at the trade, who are practical mechanics, skilled workmen, can not get a chance to pass that examination because the trade does not require an educational examination; there is no reason for it. Men who have passed an educational examination have come in there and have been put out because they could not do the work properly.

The CHAIRMAN. Do you know the nature of the questions which the Civil Service Commission ask printers in the examination?

Mr. CONNOR. No, sir; I am not a printer; I am a bookbinder.

The CHAIRMAN. Is the examination for bookbinders a technical one?

Mr. CONNOR. I can not tell you what questions are asked by the Civil Service Commission, because I never went down there. I was appointed before the office was put in the classified list.

The CHAIRMAN. You are still holding a position there?

Mr. CONNOR. Yes, sir. I was discharged without cause. I was out nearly eight months. Then I was reinstated. I opposed the civil service there from the honest standpoint that no union man has a right to force his brother workman through a gate that he has never passed through. Again, I have met the committee that went to the President, and I have given them these questions. They have failed to answer them yet. The chairman of the committee said that they had a scheme which they could not unfold at that time. I said, "Well, I will unfold it for you. Pull aside the curtain and tell the truth. You mean to hold your positions here. These other men have been thrown out. You wish to secure yourselves here for the rest of your life. Be honest about it and tell the truth. Seventeen hundred people were discharged out of this office, and for what? You have secured these positions, and you

mean to hold them. You do not hold them from any honest standpoint. It is not right; it is dishonorable. It is dishonorable as a union man. The unions have repudiated it, with the exception of one local of printers in this city."

The CHAIRMAN. Prior to the adoption of the civil-service rules at the Government Printing Office, and its classification, were applicants required to stand any kind of an examination to test their fitness or qualification?

Mr. CONNOR. As far as the bookbindery is concerned, it has various branches; for instance, the man who makes the cover, the man who stamps it, the lettering of it, the man who does the fine finishing work or the leather work. There are various branches in the trade. Of course, some men do not have all those branches. I find some men more skilled at work at fewer of the branches than others who have a general knowledge of all. It is the same as in the case of a doctor. For instance, a doctor will take the ear or the eye as a specialist, and he is a better physician on that line than would be one who has the general system.

The CHAIRMAN. But the question I ask is whether as to yourself, for example, they tested your skill as to fitness in any way.

Mr. CONNOR. You have to produce evidence from the people you served your time with that you had served four years for those people.

The CHAIRMAN. Suppose you went in there and failed to come up to the standard, in such cases did they dismiss them?

Mr. CONNOR. Yes, sir; they dismissed them. If a man was not a competent man he was dismissed. Men have gone there who were not workmen, and tried to take a position. Congressmen have sent men there and forced them into a position, and the men were found to be unskilled; they did not know anything about the business. They were thrown out immediately.

The CHAIRMAN. Those men, then, were rejected before the adoption of the civil-service regulations?

Mr. CONNOR. Yes, sir. I will say this, that in all my experience of twenty-five years' work at the trade, and standing on my rights against civil service, I have gone through the greatest amount of torture and abuse from some of the present men in that office, holding positions there, that a man could go through. I have worked for several of the large houses of New York City and Brooklyn, and I never had such overbearing, unmanly men as are working in the Printing Office at present over me. They simply tortured me. They put me in bed sick for a week last summer, simply because I spoke my mind out like an honest man against civil service, that it was unnecessary. I met the committee as a man. I did not go behind anybody. I never harmed a man's hair in that building; but it was a case of steady persecution. I finally went to the bosses and asked them, "What do you mean by treating me this way? I have not done anything to get this treatment." They took me from one branch of the business and fired me to the other. Finally they found one I was not a little up on, and they drove me up and down the floors with my work and treated me in every way shameful.

The CHAIRMAN. In order to secure efficient workmen, what method should be adopted, in your opinion? Should there not be some method to test the qualification of the men when they go down there?

Mr. CONNOR. My opinion is, if there were foremen who were honorable over the men, foremen having practical knowledge of the business, they could test the men. The Civil Service Commission can not test

the men practically. The men there do not know anything about the business. You want a man thoroughly acquainted with all branches of the business, and you want a man with good judgment. A man having 400 men under him certainly must be a man of common sense and judgment, even if he is a little lacking at the trade.

The CHAIRMAN. Do you not think that a practical printer could determine the fitness of an applicant for a position there more readily than the Civil Service Commission by a series of questions?

Mr. CONNOR. I believe the Government Printing Office has one of the most practical printers there is in the United States as foreman—Captain Brian. I believe that he is capable of sizing a man up and judging his work as no civil-service board could do. That is the point. I believe he is one of the most valuable men in the Government service to-day. He is a nonpartisan. But there are other foremen different. There are other foremen who are against the law. I believe the civil-service law is that a man should not take any part in politics. We have officers of political organizations there holding foremanships. Is that right? Are they not liable to be biased in their treatment of the men?

Senator CHILTON. Do you mean to say that 1,700 people were discharged by Public Printer Benedict?

Mr. CONNOR. About 1,700. I do not know the exact number, but just about that number, I should judge.

Senator CHILTON. About 1,700 people were discharged by Public Printer Benedict?

Mr. CONNOR. I went out at the first discharge. There were 700 people at the first discharge.

Senator CHILTON. About what date did you go out?

Mr. CONNOR. I went out in May.

Senator CHILTON. In May, 1896?

Mr. CONNOR. I think so. Whatever was the date of the first discharge, I went out then. I will say this about Mr. Benedict, that when I was suspended by the man I opposed on the resolution and false statements were made against me Mr. Benedict treated me very honorably. I got fair and honest treatment from Mr. Benedict, I will say that much. He sent me back to work and said I would not be discharged. Then the persecutions followed when they found out that Mr. Benedict would not discharge me or listen to their false statements. Then they went on to try and persecute me and throw me out of the place. I think the raising of the laborers' salary is a clear case of riding right over the civil service. I speak of raising the pay 1 cent an hour.

The CHAIRMAN. That is something that had not been called to my attention.

Senator CHILTON. Was that done by the Public Printer?

Mr. CONNOR. I suppose so. I do not know whom it was done by.

The CHAIRMAN. About what time was it done?

Mr. CONNOR. About two months ago.

Senator CHILTON. Just before President McKinley was inaugurated?

Mr. CONNOR. Yes, sir.

The CHAIRMAN. How many were included in that advance?

Mr. CONNOR. That I tried to find out, but it was done all the way through the building, and, of course, I could not find out exactly. I think you will find that out from Mr. Palmer. He will have a tally of that. He can get it for you without any trouble.

The CHAIRMAN. Is not the foreman, Captain Brian, the man who would have it?

Mr. CONNOR. He is over the printers, you see. He has charge of the printing and the folding rooms. Then there are foremen of the press room, and foremen of the binding, and foremen of the electrotyping rooms. All those men have control of their different branches. The chief clerk would be the proper man to get the right information from.

Senator CHILTON. What point do you make about the forewoman? You spoke of a forewoman with 104 sewing girls under her who holds a responsible position and gets $2.75 a day, while women with no responsibility get $3 a day. What point do you make about that? I did not understand your point exactly.

Mr. CONNOR. I want to point out the failure of the civil service in having hold of the office. If the civil service is carried on in the office properly it should not stand that way.

Senator CHILTON. Did this forewoman go in under the civil service?

Mr. CONNOR. No; she is an old employee of the office.

Senator CHILTON. Did the others go in under the civil service?

Mr. CONNOR. Very few people have gone into the Government Printing Office under civil service. I do not believe on our floor there are over six. But I will state that there have been girls dismissed who were good sewers, and girls from the colored high school, with their fathers holding positions under the United States Government or the District government, have succeeded them in their position. These girls come in with a clerical examination, and when they get in they have to learn what the girls who were put out were practical in. We have at present girls from the colored high school who have gone down there, their fathers holding positions, and girls who were supporting their mother or somebody else have been thrown out because their influence in Congress was not satisfactory to the people in charge.

The CHAIRMAN. Do you mean to say that the girls who passed the examination successfully had to learn their duties after they came in?

Mr. CONNOR. Yes, sir; they had never fed a ruling machine until they came in. They had never learned to feed their own machines until after they came in, while the girls who knew how to feed the ruling machines or sew the books were sent out simply because their influence was not satisfactory.

The CHAIRMAN. You mean by that that they were discharged?

Mr. CONNOR. Yes, sir; they were discharged.

Senator CHILTON. You say they were discharged on account of political influence. Have you knowledge on that subject, or is that your opinion?

Mr. CONNOR. My opinion is that their influence was not satisfactory, or probably their influence had left Congress. Somebody had to suffer, and these girls were substituted in their places.

Senator CHILTON. That is your opinion, I understand. What I want to get at is whether you know anything about it of your own knowledge. I just want to analyze that.

Mr. CONNOR. At the time of some of the discharges I asked several of the young ladies why they thought they were discharged.

Senator CHILTON. I do not mean the young ladies, but did you ask any of the parties who discharged them?

Mr. CONNOR. No; but they must have been discharged for something.

Senator CHILTON. I just wanted to get at what your opinion was based on.

Mr. CONNOR. We claim that our four years of apprenticeship is enough for the Government, or ought to be enough for the Government. It is enough for any first-class business house.

The CHAIRMAN. Do you know of any other instance where parties who had passed the examination had to be taught their duties?

Mr. CONNOR. The girls who feed ruling machines and the girls who sew.

The CHAIRMAN. I mean in any other branch. Are there any other parties?

Mr. CONNOR. We have had very few people from the civil service, simply because the positions were all filled, and I am informed that there are very seldom over seven or eight men on the bookbinders' list; and those men, after they got there, they had to come inside and be practically examined on the inside by the bookbinders.

The CHAIRMAN. Could there be any examination by which you could test the fitness of girls for feeding machines?

Mr. CONNOR. Not very well, unless you put a ruling machine in the Civil Service Commission, and put up some sewing benches there, and had books sent there and a practical test made there.

The CHAIRMAN. You think nothing short of a practical test will determine their fitness?

Mr. CONNOR. That is all. There is nothing in any educational examination. There is nothing in the trade that requires it.

The CHAIRMAN. For that reason you think such employees ought not to be under the civil-service rules?

Mr. CONNOR. Yes, sir; that is the reason why we oppose it. Then, from another standpoint we oppose it. We think it is ununionlike to try to hold the positions through dishonorable means by keeping out a brother workman. We who have not passed an examination get the positions and keep out our brother workman, or force him through an examination which we have never gone through ourselves. We look upon it as dishonorable and ununionlike in its principles, believing that the places should be open to everybody.

Senator CHILTON. Do you know, of your own knowledge, of a case where a single person has been discharged from the Public Printing Office for political reasons?

Mr. CONNOR. Yes, sir.

Senator CHILTON. What case is it? Name it?

Mr. CONNOR. My case.

Senator CHILTON. You were discharged, you say, for political reasons?

Mr. CONNOR. Yes, sir.

Senator CHILTON. Who discharged you?

Mr. CONNOR. The Public Printer.

Senator CHILTON. Public Printer Benedict?

Mr. CONNOR. Yes, sir.

Senator CHILTON. Do you know of any other case?

Mr. CONNOR. No, sir; I presume——

Senator CHILTON. Do not tell us what you presume. Tell us what you know, if you please.

The CHAIRMAN. It would not be competent to state what you presume. State facts, of your own knowledge.

Mr. CONNOR. When you bring it down to such a fine point, I would have to go around and ask people; and then they would not know why they were discharged.

The CHAIRMAN. What they said to you would not be admissible. We want to know if you have any knowledge of facts.

Mr. CONNOR. I was told by a Congressman in the lobby——

Senator CHILTON. I do not think it is proper to state what a Congressman in the lobby told you.

Mr. CONNOR. You ask me to answer the question, and I want to try to convince you that there were people discharged for political reasons.

The CHAIRMAN. What lobby do you refer to; where were you told that? Was it in the presence of the Public Printer?

Mr. CONNOR. No, sir; it was in the Capitol; what the Public Printer had told the Congressman.

The CHAIRMAN. It was not in the presence of the Public Printer or anyone representing him?

Mr. CONNOR. No, sir.

The CHAIRMAN. It would not be competent for you to state that conversation.

Senator CHILTON. You spoke of several girls being discharged and of others put in their places. Was that before the civil-service rules went into operation in the Printing Office or afterwards?

Mr. CONNOR. Were they discharged before the civil-service rules went into effect?

Senator CHILTON. Yes.

Mr. CONNOR. Yes, sir; before they went into operation.

The CHAIRMAN. Were any discharged afterwards?

Mr. CONNOR. After the civil-service regulations went into effect?

The CHAIRMAN. Yes.

Mr. CONNOR. No, sir; not that I know of. I do not remember that any woman was discharged afterwards. I understand there is a list there from which, if they want women immediately to do work, the foreman has the privilege of hiring women for thirty or sixty days, or something like that.

The CHAIRMAN. For temporary employment?

Mr. CONNOR. Yes, sir; temporary appointment.

The CHAIRMAN. Those people are not subject to the civil-service rules?

Mr. CONNOR. No, sir; those people are not subject to the civil service. He can hire those immediately and still ignore the civil-service list.

Senator CHILTON. When were you reinstated?

Mr. CONNOR. I was reinstated about eight months after my discharge.

Senator CHILTON. Were you reinstated prior to the coming in of the new Public Printer or since?

Mr. CONNOR. I was put in prior to the civil-service rules going into effect. That is the reason why I became its opponent, and that is the reason why I suffered.

Senator CHILTON. I mean the last time. You are now working in the Public Printing Office?

Mr. CONNOR. Yes, sir.

Senator CHILTON. When were you reinstated or reemployed in the Public Printing Office?

Mr. CONNOR. I was reinstated, I should judge, about two years and seven or eight months ago. I have not the date of my appointment.

Senator CHILTON. I understood you to say that you were discharged from the Public Printing Office on account of your opposition to the civil-service rules?

Mr. CONNOR. No, sir.

Senator CHILTON. You were not?

Mr. CONNOR. No, sir.

Senator CHILTON. For political reasons, then?

Mr. CONNOR. Yes, sir.

Senator CHILTON. That was last May, I understood you to say?

Mr. CONNOR. No, sir; I told you I was discharged in the first discharge when Mr. Benedict came in office. Of the first 700 people Mr. Benedict discharged, I was one.

Senator CHILTON. That was prior to the operation of the civil-service law in that Department?

Mr. CONNOR. Yes, sir. I was reinstated eight months afterwards by Mr. Benedict.

Senator CHILTON. You have been in the office ever since?

Mr. CONNOR. Yes, sir; I have been there before and since the civil-service law has been in effect.

Senator CHILTON. Then your last service began before the civil-service rules went into effect?

Mr. CONNOR. Yes, sir.

Senator CHILTON. And it has continued until now?

Mr. CONNOR. Yes, sir; with the exception of about eight months?

Senator CHILTON. With the exception of eight months?

Mr. CONNOR. Yes, sir; I was outside eight months.

Senator CHILTON. Since you were reemployed?

Mr. CONNOR. I have been in Washington six years and have been in the Government service five years. I was discharged by Mr. Benedict, was out eight months, and was reinstated by Mr. Benedict.

Senator CHILTON. You have been in the Printing Office ever since you were reinstated?

Mr. CONNOR. Yes, sir.

Senator CHILTON. Your reinstatement, the last employment there, began before the civil-service regulations went into effect?

Mr. CONNOR. Yes, sir; I had a discussion with the committee appointed to ask the President to place the office under civil-service rules.

Senator CHILTON. I did not have that clearly in my mind. I thought you had been reinstated since the new Administration came in.

Mr. CONNOR. I met in debate the committee which went to the President and asked him to place the office under civil-service rules, and they ran away from me; but they got me afterwards.

Senator CHILTON. What do you mean by saying they got you afterwards?

Mr. CONNOR. The man who brought the resolution in our union held a preferred job; I was under him; he did not speak to me for two weeks afterwards, and later he made false charges against me which, Mr. Benedict refused to sustain, and sent me back to work.

Senator CHILTON. You were not discharged, then, under those false charges?

Mr. CONNOR. No, sir; I was sent right back to work.

Senator CHILTON. And you have remained there ever since?

Mr. CONNOR. Yes, sir; under a very severe strain, too.

Senator CHILTON. I misunderstood you. I thought you said they kept throwing you from one place to another and finally had you discharged.

Mr. CONNOR. That is inside the office. They persecuted me and worried me, having me sent from one branch to another branch. I had over me as assistant foreman an officer of a political organization. I went to him and asked him in a straightforward, manly way why they were treating me that way. I said that I had never injured anybody. He said "I have nothing against you; these are my instructions."

Senator CHILTON. Who is that man?

Mr. CONNOR. He was an assistant foreman.

Senator CHILTON. Give his name.

Mr. CONNOR. I do not like to make a personal attack on anybody. I do not think it would look right.

Senator CHILTON. Just as you like, but it is the only way we have of running these things down.

Mr. CONNOR. I will state that when I met the gentleman I asked him about it, and he said to me, "My orders come from the front office;" that is, the foreman.

Senator CHILTON. It ought to be stated that the witness declines to give the name of the party, because there is no way to run it down if the name is not given.

The CHAIRMAN. Do you decline to give the name?

Mr. CONNOR. Yes, sir; unless you insist.

The CHAIRMAN. I think you ought to give it, because we are in this investigation to ascertain the facts in the case. It would be casting an aspersion on somebody——

Mr. CONNOR. Everybody in the office understands the circumstances. I have the sympathy of men positively opposite to me.

The CHAIRMAN. Be kind enough to give us his name. I think that is the only way to do it.

Mr. CONNOR. His name is Edward Pumphrey.

The CHAIRMAN. What position does he hold?

Mr. CONNOR. He held the position of assistant foreman, but he was reduced a few weeks ago, and he went to work yesterday as a workman.

The CHAIRMAN. At that time what position did he occupy?

Mr. CONNOR. Assistant foreman. When I asked him about my persecution (of course you understand that I was opposite to him in my ideas and views), he told me he had nothing against me, but that his orders came from the foreman of binding, and if I had anything to say about it to go and see him.

Senator CHILTON. Who is the foreman of binding?

Mr. CONNOR. H. C. Espey. The assistant foreman said, "I have nothing against you at all, but I am under instructions from the front office, from the foreman of binding. I have to do what I am told."

Now, where does my redress come in from the Civil Service Commission? Suppose they kept on the persecution and that I could not stand it. Senators, I felt as if I were a convict, and I could not raise my head. I was getting watched. Every movement I made was watched. These men did not cease their persecution. I went up to them and asked them to let go. I was home sick a week in bed, and when I came back I got one of the hardest jobs there was in the office.

The CHAIRMAN. What do you mean by that?

Mr. CONNOR. There is some work there which is a great deal harder than other work. I did not ask for any good work or anything of the kind. A man in one of the other branches wanted a man who understood work in that branch, and they were short of such men on account of the employees being on leave. He asked this man. The assistant foreman said, "I do not know of any man I can send in." He said: "There is Mr. Connor, out there; he will do this kind of work." He replied, "We have got him where we want him."

Now, suppose I went to the Civil Service Commission; what protection would I get from them? Suppose I had been finally forced out, which would have been true as to a hundred men, they could not stand it, and that I went to the Civil Service Commission and asked them for relief. Suppose I said: "Gentlemen, I am getting persecuted; I am being treated unfairly, unjustly; I appeal to you to save me." They would say: "We can not do anything." There is no protection

from the Civil Service Commission for a man working there. The only thing is that they hire the men from the classified list. There is no protection whatever to the man in office. Once a man goes out he has to go to the Civil Service Commission to get back again. Suppose a skilled girl, who has worked twenty years in the Government Printing Office at sewing, gets thrown out. Perhaps she went to work at an early age to help her folks get along, which is often the case there. She is dismissed. No reasons are given. Her education does not permit her to pass a clerical examination. She can not get back into the office. Still, a girl can be taken from school and put there. Colored girls from the high school can be placed in office. The whole system in the Government Printing Office is a farce.

Mr. JOHN R. PROCTER, president of the Civil Service Commission, having entered the room, said:

I was prevented from attending the session of the committee earlier by reason of the fact that I had to go to the White House. I have called in response to your invitation, and, if agreeable, I should like to be excused now, as I have a still further engagement.

TREASURY DEPARTMENT.

TESTIMONY OF WILLIAM E. RYAN.

WILLIAM E. RYAN, being duly sworn, testified as follows:

The CHAIRMAN. Where do you reside?

Mr. RYAN. Rochester, N. Y.

The CHAIRMAN. I understand that you desire to make a statement to the committee. If so, we shall be glad to hear from you.

Mr. RYAN. I was appointed in the Treasury Department, Register's Office, the 24th day of September, 1884, and remained in that Bureau until the 30th day of June, 1896, at different and various times being detailed on expert work as a member of the destruction committee, United States currency, for about three years; to adjust the sugar bounties under the McKinley law for the Comptroller of the Treasury now, then the First Comptroller—not the entire bounties, but a portion of them—and to assist in settling the Army Engineer's accounts, the Mississippi and Illinois Canal. I was carried on the roll of the Register from my induction into office until the 30th day of last June. I was then transferred to the Secretary's office, miscellaneous division.

Now, along in the end of September I had intimation from my home in western New York that there was a possibility that I might receive the nomination for Congress. As the time approached for the convention to be held I consulted the chief of the division, Mr. Lewis Jordan, and said to him that I had three days of my annual leave still due me. I said, "Now, I will return to my home. If I receive this nomination I should like to get leave without pay. If not, I will return after registering." That would consume two days and would leave me one day to go to my home to vote, as I have been in the habit of returning to my home ever since I have been in Washington, nearly every year, for the purpose of voting.

I suggested to Mr. Jordan, or rather I submitted to his judgment, whether I had better go down to see the chief clerk of the Treasury Department. He said he did not think it was necessary; that as chief of the division he would go to see the chief of the appointment division. I attended to my duties, and perhaps in two hours he reported to me that he had seen the appointment clerk and that it would be all right;

that I should take a blank with me, and if nominated, if I intended to stay there, to fill out the blank and it would be satisfactory. I left. I was nominated. I filled out the blank.

The CHAIRMAN. For what purpose did you have a blank? What do you mean by that?

Mr. RYAN. A blank for leave without pay. I was nominated. I filled out the blank, and received a letter from Mr. Jordan dated the 10th of October, acknowledging the receipt of my application and stating that it was placed on file.

I ran for Congress, and on the face of the returns I was defeated. Had I been elected I should have come back to fill my position on the 5th day of November. I applied for leave without pay until the 5th day of November. On the face of the returns, as I say, I was defeated. I left my home in Rochester, N. Y., and reporting for service here on the morning of the 5th of November, I found on my desk my dismissal, dated the 4th of November.

Now, perhaps a week or two weeks after that, Mr. Logan Carlisle sent for me to come to the Treasury Department. I went to his room. He said that I had been on leave without permission. He brought it up in that shape. I told him that I was not. I said I had applied for leave, and understood that it was placed on file, and that was usually the way it was granted. I had drawn no pay, and I showed him the letter which I had received from the chief of the division, Mr. Jordan. At least I showed him the end of the letter which referred to this matter. The entire letter I did not show him, as there was something personal in it that did not pertain to the Department at all.

So I then left him. I went to the office of the chief of the photographic department of the Architect's Bureau, who is a friend of mine, and was busy talking with him when a messenger came and informed this gentleman that Mr. Carlisle wanted to see him. He went to see Mr. Carlisle, I remaining in the office. He came back and informed me that it was "all off," and said that Mr. Carlisle wanted to see me the next day. The next day I called about the same hour—half past 2. Mr. Carlisle wanted to know whether I had said anything about President Cleveland in the campaign. I told him I did not recall anything that I had said about the President. I said I had tackled his financial views, especially in reference to the noncoinage of the seigniorage, and in that way, but that I had said nothing about his personal character. He then said that some letters had been written from my home to the President. I asked him if he would let me see the letters. He said he had not seen them, but he seemed to smooth matters over, and I left him.

Either that night or the succeeding night (I will not swear which evening it was; my impression is it was that very night, though), in the reading room of the Riggs House, the same gentleman in whose office I had been, the chief of the photographic department of the Architect's Bureau, asked me whether I purposed to contest the election in my district in New York State. We talked some time over it, and I finally told him that I did not consider it his business or the business of whoever sent him, whether or not I did. I considered it a matter pertaining to the legislative department of the Government, and that the executive department did not have anything to do with it; that it did not come under that Congress or that Administration, but that if I did contest it would be on the question of the constitutionality of the ballots cast by the Myers machine, which was used in the district. Finally I became pretty indignant and informed him that they had attempted to coerce me in different ways, and that I would not submit to it.

The CHAIRMAN. That who had attempted to coerce you? Do you mean the Department?

Mr. RYAN. Yes, sir; indirectly the Department, through Mr. Logan Carlisle. Of course, the gentleman to whom I was talking was a friend of mine, and a friend of Logan Carlisle's, also.

I had a family, a wife and four children, and I studied the matter over that night, and I thought perhaps I had been a little hasty. I was anxious to get back my position. I met this gentleman in the morning, and I asked him if he had seen Mr. Carlisle that evening. I expected that he would tell him him what I said, and I said a good deal, in passion, most of it; a good deal of it. I felt indignant. I saw the methods being used with me. He said he had seen him at a distance, but had not spoken to him, and he told me that I had better go and see Mr. Carlisle again.

So I called on Mr. Carlisle a third time. Mr. Carlisle said to me, "Did you see Mr. McBlair last night?" I said, "I did." That at once convinced me that he had sent Mr. McBlair to see me. "Did he talk to you?" I said, "He did." "Now," he said, "Mr. Ryan, there is nothing in this contest for you." I think that was the language he used. "No," I said; "I do not suppose there is;" thinking he meant money. I said, "Congress allows a certain amount, and that would be eaten up by attorneys and the witness fees, and in that sense there is nothing in it for me." Then I went on to say that there was a great principle at stake from my standpoint, as I viewed it, and from the standpoint of the constituents in that district; that is, the question of the constitutionality of the ballot cast by this machine, which is not a ballot at all; that I was placed in a position where nobody could test the constitutionality of that vote except myself. Mr. Carlisle then made the remark to me that perhaps the Republicans would dismiss me if I brought the contest. To that I did not make any reply. I just listened to his statement. So, finally, I left Mr. Carlisle with the understanding that I was to be reinstated.

A letter was written to the Civil Service Commission from the Treasury Department, which letter was shown to me incidentally by him, but I can not recall its substance. Of course they put it off day after day. I know it was a letter very favorable to me so far as my record was concerned. I called on Mr. Procter once or twice, and finally, upon a certificate of the Civil Service Commission, the Department reappointed me, and reduced me in salary from $1,600, a third-class clerkship, to $1,400. I was reinstated on the 2d day of December. My paper, which I left with the chairman of the committee, will show that the first date on it was the 1st of December, and that it was changed to the 2d.

On the night of the 1st an interview appeared in the Star in which it was stated that I was reinstated, although being a blatant free silverite, through sympathy for my family; about which I felt pretty indignant. I went to the Star office, and asked for the editor. I told the local editor that I had come there for the purpose of whipping the man who wrote the article, or he would whip me, and I asked if he made that up. The editor told me I had better wait until the matter had been inquired into. I left there and went to the Treasury Department, and they denied giving the article out. I returned to the editor of the Star, and I was convinced it was given out. After I was sworn in I went to Mr. Logan Carlisle. I had cut this article out of the Star. I said, "This is brutal. I have no objection to what you say about me, but you have no right to bring in my family as a ground—in the line of my impoverished condition—for my reinstatement, because, as you and I

know, that is not the reason of my reinstatement." Mr. Carlisle said he had not seen the article. He did not say that he had not given it out, but that he had not seen it, and that what he said to the Rochester correspondent of the Herald was not to be reiterated or sent forward.

I then left him and went to the Sixth Auditor's Office, or was sent there. That was on the 2d. It was on the evening of the 1st that this interview was given. I remained in the Sixth Auditor's Office. On the 13th day of January Messrs. Dudley and Michner, acting as my attorneys, between 5 o'clock and 7 p. m., dictated and delivered to me the contest papers to present to the Hon. Henry C. Brewster, of the Thirty-first New York district, which were delivered that evening. On the 2d of February, 1897, Mr. Brewster served answer on me in the Sixth Auditor's Office in the morning hours, before 12 o'clock.

At 4 o'clock the Sixth Auditor, Mr. Howard, sent for me and handed me my dismissal, the second time. On the 13th day of that month I made affidavit, a copy of which I have filed with you, requesting of the Civil Service Commission an investigation of William E. Curtis, Assistant Secretary of the Treasury, and Logan Carlisle. The Commission made no reply to that communication. I went to my home to take evidence, and while at Rochester, N. Y. ——

The CHAIRMAN. You mean to take evidence in your contest?

Mr. RYAN. Yes, sir. While at my home, in Rochester, N. Y., my wife mailed to me, including the envelope, a letter received from the Commission, which contained copy of an affidavit made by Mr. Logan Carlisle, dated the 24th day of February, 1897, swearing for himself and William E. Curtis, Assistant Secretary of the Treasury—that was the 24th day of February. The Commission wrote me a letter, dated the 3d of March. They mailed it to my home in Washington on the 5th of March, and my wife remailed it to me to Rochester, remailing the envelope and all, on the night of the 5th of March. I had asked for an investigation prior to the going out of the second Cleveland Administration. After my return here, I called on Mr. Procter, the president of the Civil Service Commission.

I failed to say that while in Rochester, on the 11th day of March, I made answer to the affidavit of Mr. Carlisle, in which I accused him of perjury, of which he is guilty, in his statement, in the affidavit, detailing the third interview with me. I mailed that affidavit to the Civil Service Commission. I have filed a copy with the chairman of this committee. They hold the original.

On my return here I called on the Civil Service Commission and said to Mr. Procter that I had entered the service of the Government under the Civil Service Commission and had received all my promotions by departmental civil-service examinations; that I was on the eligible list for a fourth-class clerkship when Mr. Cleveland's second Administration came in; that my name, with those of other clerks, was wiped off the list, and that I had never gone outside of the Commission. I therefore asked Mr. Procter what he purposed to do with my case. Mr. Procter said to me, "Mr. Ryan, the Department claims that you were not dismissed for political reasons." I spoke to him about rule 3, which says that a man in the classified executive service shall not be dismissed for political or religious reasons. "The world knows I have been dismissed for political reasons and no other, and I request you to investigate and reinstate me." Mr. Proctor said to me, "Mr. Ryan, the Commission will gladly certify you at any time by letter if the Department calls for you." Since then I have not seen him. I have not been near the Commission since that interview up to date. I am still out of position.

The CHAIRMAN. What, in your judgment, were the reasons for your dismissal?

Mr. RYAN. I was dismissed for political reasons.

The CHAIRMAN. You ran for Congress on the Democratic ticket, as I understand, at the last election?

Mr. RYAN. Yes, sir; I did.

The CHAIRMAN. Do you think it was in consequence of the fact that you differed with Mr. Carlisle in regard to certain matters that you were discharged?

Mr. RYAN. Solely so; it was for no other reason.

The CHAIRMAN. Did he say anything that would indicate that to you?

Mr. RYAN. No, sir; he did not. But the actions during his administration showed it. I had been an applicant for Assistant Register of the Treasury, and had the promise of Mr. Cleveland that I should be appointed. I made a record in there. I had been General Rosecrans's confidential clerk for five or six years. I entered the employment of the Government under Arthur's Administration, but I am a Democrat in politics—not of the Cleveland or Carlisle stripe, however. They knew my views on the financial question. Of course I did not obtrude them in the Treasury Department. I attended to my duties. I am an expert in certain lines. I was professor of mathematics and geology in several colleges before I entered the Department; in Georgia, at Macon; three years in Philadelphia, at La Salle, and at Manhattan, in New York.

The CHAIRMAN. Did they at any time raise any question as to your competency to fill the place?

Mr. RYAN. Never. In fact, I was put in the miscellaneous division of the Secretary's office on account of——

The CHAIRMAN. Peculiar fitness?

Mr. RYAN. Yes, sir. All classes of business go to that division, and one must be skilled in the entire workings of the Department, the different bureaus of the Department.

The CHAIRMAN. Is it a usual thing for clerks in the Department to run for Congress or to participate in politics? Do you know of any others who did; and, if so, were they dismissed for it?

Mr. RYAN. Not to my knowledge.

The CHAIRMAN. Not that you know of?

Mr. RYAN. No, sir. I received this nomination. In all the years I have been in the employ of the Government I have never participated in a campaign. I went to my home always to State and Federal elections, and occasionally to municipal elections. As I say, I was nominated. The people thought I had peculiar qualifications in that political campaign, and I was on leave without pay. I will venture the assertion that I was the only man in the employ of the Government who was without pay in the campaign. For example, the chairman of the Civil Service Commission was in Kentucky during the campaign. I do not think he failed to draw his salary, nor that Secretary Carlisle or Mr. Eckels did.

The CHAIRMAN. Is it a fact that the chairman of the Civil Service Commission went to Kentucky and participated in the campaign?

Mr. RYAN. I only know of that through the newspaper statements. I do not know it of my own knowledge.

The CHAIRMAN. It was reported in the papers that he did go there?

Mr. RYAN. There were reports to that effect. It was generally understood. The First Auditor of the Treasury, the Deputy Commissioner of Pensions, the Sixth Auditor of the Treasury, Mr. Eckels—all those

men participated. Their pay was not stopped, while I was on leave without pay. They knew I was a poor man. I had to run my campaign by contributions from the public.

The CHAIRMAN. Do you know whether any objections were interposed to their participating in the campaign?

Mr. RYAN. No, sir; I never heard of any such thing.

The CHAIRMAN. You never heard of such objections on the part of Mr. Carlisle?

Mr. RYAN. Never. The general feeling of the press and of gentlemen whom I know, both in the Senate and the House, irrespective of their political views, is of sympathy for me. They say my dismissal was an outrage. Of course, the papers took it up all over the country, in my own home, in New York City, and the local papers of this city, and without exception wrote of and considered my dismissal an outrage. I did nothing. I was not absent a day from the date of my reinstatement until the date of my dismissal, except one-half day, while I was entitled, under the courtesy accorded to clerks, to four and a half days' leave, when they discharged me, nor did I devote any of the time during office hours to the matter of my contest.

The CHAIRMAN. No charges were filed against you?

Mr. RYAN. No, sir.

The CHAIRMAN. Neither by the Civil Service Commission nor the Department?

Mr. RYAN. No, sir; it is supposed, and the Washington Star stated, that I was dismissed the second time because I brought the contest.

The CHAIRMAN. They did not give that as a reason; Mr. Carlisle did not?

Mr. RYAN. Mr. Gardiner, the correspondent of the Rochester Herald, whom I quote in one of my papers, says in quotation marks, that the Department had stated that my dismissal was on account of that, and for that reason it was so printed.

The CHAIRMAN. Here are some affidavits bearing on the case which may be printed.

The affidavits are as follows:

WASHINGTON, D. C., *February 13, 1897.*

Hon. JOHN R. PROCTER,
President Civil Service Commission.

DEAR SIR: On the 7th of October I left Washington for Rochester, N. Y. I was informed before leaving, by Mr. Lewis Jordan, chief of the miscellaneous division of the office of the Secretary of the Treasury, that, under a certain condition, I might apply for a leave of absence, without pay, until November 5. The condition was that if I were nominated for Congress in the Rochester (N. Y.) district, the leave of absence would be granted; otherwise, I was expected to return to Washington and resume my duties. This arrangement was, according to Mr. Jordan's statement, agreed to by Mr. Scott Nesbit, appointment clerk of the Treasury Department.

On October 8, 1896, I was nominated for the office of Representative in Congress by the Democratic Congressional convention of the Thirty-first district of New York. Immediately thereafter I made application for leave of absence until November 5, 1896, on blank for that purpose furnished me by Mr. Jordan, and forwarded same to him as chief of my division, and received reply undated,[1] but within a day or two

[1] I find upon examination that the letter bears date October 10, 1896.—Wm. E. Ryan.

thereafter, that my application had been received and placed on file, as is usual when "leave" is granted.

In the election, according to the face of the returns of the election of November 3, I was defeated by a majority of about 5,000 votes, a majority which, in my opinion, was obtained in an irregular and illegal manner.

On November 5 I reported for duty at my desk. I found there a notice of dismissal dated November 4, assigning no cause, and signed "J. G. Carlisle, Secretary, L. C. R." The Washington Post, the Chicago Record, and other papers of the date of November 5 announced the reason of my dismissal as being the fact that I had taken an interest in the Presidential campaign on Mr. Bryan's side.

Within a few days afterwards I was approached by Mr. Nathan Reeve, a clerk in the office of the Auditor for the War Department, who offered to see Mr. Logan Carlisle in my interest regarding my reinstatement. Later, on the same evening, Mr. Reeve informed me that he had seen Mr. Logan Carlisle, and that I was requested to call on him (Carlisle), at 2 p. m. the following day.

In that interview Mr. Logan Carlisle accused me of being absent without leave. That was quickly refuted, and I departed with the understanding that I should be reinstated.

On the afternoon of the same day, while I was in the office of Mr. McBlair, chief of the photographic division, Architect's Bureau, Treasury Department, a messenger arrived and stated to Mr. McBlair, in my presence, that Mr. Logan Carlisle desired to see him. Mr. McBlair went. On his return Mr. McBlair, who had also been present at my interview with Mr. Logan Carlisle, as previously stated, informed me that negotiations were "all off," and that Mr. Logan Carlisle desired to see me the next day at the same hour. On that occasion, the only question raised was as to whether or not, in my campaign, I had attacked the character of the President. This I promptly disclaimed, and my disclaimer was stated by Mr. Carlisle to be satisfactory, and he at once promised that I should be reinstated.

On the evening of the same day, or the day following, Mr. McBlair met me in the reading room of the Riggs Hotel. He, as coming from Mr. Logan Carlisle, desired to know whether it was my intention to contest the election of the Hon. H. C. Brewster, in the Fifty-fifth Congress. I refused then and there to make any promise that I would not make the contest referred to.

On the following day, at his request, I called on Mr. Logan Carlisle. His first question was as to whether I had seen and talked with Mr. McBlair the previous evening. Then he at once spoke of my presumed intention to contest Mr. Brewster's election, saying that there was "nothing in it" for me, and that, if I did so, it might result to my disadvantage. While admitting this, at no time did I promise that I would forego my right to make said contest, in case it seemed desirable for me to do so. After that, and up to the date of my reinstatement, I was in almost daily conversation with Mr. Charles R. McBlair, and I accepted him as speaking with the authority of Mr. Carlisle when he said to me repeatedly that in the event of my reinstatement I would be dismissed again if I should decide to contest Mr. Brewster's election.

On December 2, 1896, I was reinstated on the certificate of your Commission, a fact which proves that I had been dismissed, "separated from the service," not because of any fault or delinquency of my own.

On January 13 last I served on Mr. Brewster notice of contest of his seat in the Fifty-fifth Congress.

On February 2, a. m., Mr. Brewster's reply was served on me.

On February 2, p. m., I was again dismissed from my place, the order of dismissal being signed "W. E. Curtis, Acting Secretory, L. C. R."

In view of this statement of facts, and of other facts which I hope to be enabled to present to your consideration, I hereby charge W. E. Curtis, Assistant Secretary of the Department of the Treasury, and Mr. Logan Carlisle, chief clerk of said Department, with a violation of what is known as the civil-service law and of the civil-service rules, in this, that each of these officials did use his influence and did actually cause me to be dismissed from the executive civil service for a political reason, as herein above stated. And upon this charge I respectfully ask that your Commission will make an investigation, giving me notice of the time and place thereof.

And in connection with this matter I desire to call your attention to the fact that the investigation herein petitioned for should be made promptly, because of the fact that the officials accused by me of a violation of law will, in all probability, soon terminate their connection with the offices which I claim they have grossly abused.

And your petitioner will ever pray.

WILLIAM E. RYAN,
No. 705 Seventh Street NE., Washington, D. C.

Legal residence, No. 444 West avenue, Rochester, N. Y.

Sworn to before me this 13th day of February, 1897.

HAMILTON P. BURNEY,
Notary Public for District of Columbia.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., March 3, 1897.

SIR: Referring to your letter of February 13, 1897, I am to hand you a copy of an affidavit of Mr. Logan Carlisle with reference to your removal from the Treasury Department, and to ask whether you desire to submit any further statement before the Commission takes up the case for decision.

Very respectfully, JOHN T. DOYLE,
Secretary.

Mr. WILLIAM E. RYAN,
705 Seventh Street NE., Washington, D. C.

Before the United States Civil Service Commission, in re complaint of W. E. Ryan *v.* Wm. E. Curtis and Logan Carlisle.

DISTRICT OF COLUMBIA, *Washington County, set.:*

(1) The affiant, Logan Carlisle, for Wm. E. Curtis and himself, answering complainant's affidavit herein, submits that, even conceding the truth of all the facts alleged in said affidavit, they are not sufficient to constitute a violation of any part of the civil-service law or the civil-service rules.

(2) He denies that either Mr. Curtis or he did, for any political reason whatever, either use his influence to cause complainant to be dismissed from the executive civil service of the United States, or for any such reason did actually cause him to be dismissed therefrom.

(3) He says that in the course of the last conversation mentioned in complainant's affidavit as having taken place between complainant and himself, complainant said to him that there was nothing, or that he supposed there was nothing, for him, complainant, in the contest mentioned in complainant's affidavit, except the fees; for a fuller understanding of which remark attention is respectfully invited to the supplement of the Revised Statutes of the United States (Vol. I, 1874–1881 p. 462) and to the practice of Congress relative to the defraying of expenses of contests for seats in the House of Representatives.

And he says that in performance of the duty imposed upon him by section 173 of the Revised Statutes of the United States, he reported said conversation to the Secretary of the Treasury, who, deeming it improper for complainant to remain in the public service while prosecuting said contest, and especially in view of complainant's admission aforesaid, directed affiant to have an order prepared for complainant's dismissal, which affiant accordingly did.

Affiant further says that when complainant was dismissed, Mr Curtis was Acting Secretary of the Treasury; that when the order dismissing complainant was presented to Mr. Curtis for his signature, Mr. Curtis did, by direction of the Secretary of the Treasury, sign the same as Acting Secretary, and that Mr. Curtis had not been informed by affiant of the reason for complainant's dismissal, and that he had no other connection whatever with the subject-matter of the complaint herein than as aforesaid; and, as this affiant has reason to believe and does believe, Mr. Curtis had no purpose in the premises other than that of following the direction of the Secretary of the Treasury.

LOGAN CARLISLE.

Subscribed and sworn to before me by Logan Carlisle this 24th day of February, 1897.

JAS. N. FITZPATRICK, *Notary Public.*

Before the United States Civil Service Commission, in re complaint of William E. Ryan *v.* William E. Curtis and Logan Carlisle.

STATE OF NEW YORK,
County of Monroe, City of Rochester, ss:

The affiant, William E. Ryan, answering (as per invitation of your honorable Commission of date of "March 3, 1897," postmarked "March 5 11 a. m., 1897," addressed to 705 Seventh street NE., Washington, D. C. and remailed to me March 5, 10 p. m., 1897, to the "Savoy," Rochester N. Y.), to paragraph 3 of affidavit of Mr. Logan Carlisle of February 24, 1897, for himself as chief clerk of the United States Treasury, and "for W. E. Curtis," Assistant Secretary of the same Department, submits that "the last conversation mentioned in complainant's (my) affidavit as having taken place between complainant (William E. Ryan and himself (Mr. Logan Carlisle), complainant (William E. Ryan) said to him that there was nothing for him, complainant (William E. Ryan) in the contest mentioned in complainant's affidavit except the fees," is not true; and further, I deny ever having used such an expression as "except for fees," or any language that could in any manner by the most venal mind have been contorted into such a meaning.

Mr. Logan Carlisle has sworn to an untruth, and with malice aforethought would by that part of his affidavit in paragraph 3 set up that

my sole purpose in bringing the contest for a seat in the Fifty-fifth Congress was not for the reason that I considered two-thirds of the vote of the Thirty-first district of New York illegal and unconstitutional, owing to the use of the "Myers ballot machine," but for the "fees" allowed by Congress in contested election cases, to a seat in that honorable body. The Revised Statutes of the United States (vol. 1, 1874–1881, p. 462) shows that no portion of the fees are allowed a contestant, save necessary expense or actual outlay for attorneys, witnesses, etc., and to be confined to no greater amount than $2,000, or to so much thereof as the Committee on Elections recommends, and out of such an allowance I could in no way reap any financial benefit. There was no reason, there could be no reason, except a political one, for my dismissal. Section 3, of rule 3 of the civil-service law provides: "No person in the executive civil service shall dismiss or cause to be dismissed, or make any attempt to procure the dismissal of, or in any manner change the official rank or compensation of any other person therein, because of his political or religious opinions or affiliations.

WILLIAM E. RYAN.

Sworn to before me this 10th day of March, 1897.

[SEAL.] IRA L. WARD, *Notary Public.*

Mr. WALES. Did you see any newspaper or press notice that the chairman of the Civil Service Commission campaigned in Kentucky?

Mr. RYAN. I heard it on my return here. I did not see it with my own eyes. I did not get back in time. I heard that statement made. I heard that he had been gone four weeks.

Senator CHILTON. The affidavit of Mr. Carlisle states that you were discharged by order of the Secretary because he thought it was improper for you to hold office while conducting a contest.

Mr. RYAN. Yes, sir. It was impossible for me to bring the contest under the past Administration or under the Fifty-fourth Congress. There are precedents where men who have been elected to Congress while holding Federal positions. For instance, the present Commissioner of Patents was elected to Congress, if my memory serves me properly, when he was Commissioner of Patents before, and he held that position until he went in to fill his position in the House.

The CHAIRMAN. Do you know of any other instances?

Mr. RYAN. No; I did not think that because a man was an employee of the Government in the civil service he would be estopped from going higher, in the line of the methods of the ex-Executive who went from sheriff to President. I did not know I was estopped from it.

Senator CHILTON. Did you have any conversations with Mr. Carlisle, or the other gentlemen whom you mentioned—the chief of the photographic division of the Architect's office——

Mr. RYAN. Mr. McBlair.

Senator CHILTON. As to why they drew a distinction between your taking part in the canvass and filing a contest? I draw the deduction, from what you said, that they objected to your filing a contest, and that if you had not filed the contest, you gathered from Mr. Carlisle's conversation that you would not have been disturbed.

Mr. RYAN. And Mr. McBlair's conversation the evening before. He said, "If you bring this contest you will not be reinstated. If you do you will remain dismissed."

Senator CHILTON. Did you gather from Mr. Carlisle why he was

drawing a distinction between filing a contest and taking part in the campaign?

Mr. RYAN. No, sir; I did not get his reasons, but I gathered them all the same. This ballot machine is a local institution in my home neighborhood. It involves a very large amount of money, and the company had a great deal at stake.

Senator CHILTON. Is your district the only one in New York in which the machine was used?

Mr. RYAN. The only one in which it was used. The common council of our city, which is Republican, refused to pay for the machine. They agreed through the mayor to pay $33,750 for the 72 ballot machines used within the corporate limits of the city. The council, by a vote of 13 to 6, after the election refused to pay a dollar for them.

Senator CHILTON. Is there a law in the State of New York authorizing such machines to be used?

Mr. RYAN. It is the law of the 2d of May, 1892, which authorizes their use if the common council of the city will agree to accept them.

Senator CHILTON. I desire to ascertain why it was used in only a particular community?

Mr. RYAN. In that district are Monroe County, Rochester, and nineteen townships. In none of the townships were the machines used. They had been used in some local elections prior thereto, in one or two instances, and they rejected them, and so at the last election for President they were not used at all, except in the city of Rochester.

Senator CHILTON. Your contest is still pending?

Mr. RYAN. Yes, sir; my papers have not come forward yet. They will shortly, I presume.

At 12 o'clock and 45 minutes p. m. the subcommittee adjourned until Saturday, May 1, 1897, at 10 o'clock a. m.

SATURDAY, *May 1, 1897.*

The subcommittee met at 10 o'clock a. m.

Present: Senators Pritchard (chairman), Lodge, and Chilton; also Hon. John R. Procter, president of the Civil Service Commission, and Mr. G. R. Wales, of the Commission.

NAVY DEPARTMENT.

The CHAIRMAN. The following letter has been received from the Secretary of the Navy:

NAVY DEPARTMENT,
Washington, April 20, 1897.

SIR: Replying to your letter of April 17, by direction of the President and in accordance with the third clause of section 6 of the act entitled "An act to regulate and improve the civil service of the United States," approved January 16, 1883, the Department on June 10, 1896, promulgated Departmental Order No. 12, a copy of which is inclosed. This includes all civilians employed under the Navy Department except those serving as mere laborers and workmen or who are appointed to an office with the advice and consent of the Senate. In order that the limits of the classified service of the Navy Department, as defined by the inclosed Departmental Order No. 12, may be fully comprehended, I would suggest that you read the memorandum of the president of the United

States Civil Service Commission, dated June 30, 1896, which is attached to and made part of said order.

At navy-yards and naval stations, since the promulgation of the President's order of May 6, 1896, all employees who are serving in a clerical capacity, or whose duties are in whole or in part of a clerical nature—those who are serving in the capacity of draftsman, subinspector, watchman, or messenger—are classified and appointed after examination and certification by the United States Civil Service Commission.

Laborers and mechanics are employed at navy-yards after registration with the boards of labor employment which are located at the yards. There is no examination required for laborers and mechanics, but any person who is a citizen of the United States and presents the required certificates, one showing his experience in the trade or occupation for which he seeks employment and one certifying to his reputable character, is allowed to register. After registration applicants are taken on in the order of their registration, preference being given (1) to veterans, (2) to those who have had navy-yard experience and whose workmanship when discharged was graded as "excellent" and conduct not less than "good," and (3) all others.

The foremen, quartermen in charge and other men in charge at navy-yards are appointed after competitive examination before a board of naval officers detailed for that purpose by the Navy Department.

A copy of Navy-Yard Order No. 23 revised, governing the employment of labor at navy-yards, is herewith inclosed. July 29, 1896, the United States Civil Service Commission, by resolution, adopted these regulations as the regulations of the Commission, and November 2, 1896, the President ordered that no modification of these regulations should be made without the approval of the United States Civil Service Commission.

There are no deputy collectors of internal revenue or deputy United States marshals under my Department.

I have not familiarized myself with all the existing rules of the civil service and can not, therefore, express any except the general opinion that while they will no doubt need modifications as time goes on and as circumstances change, I can not specify what particular modification is necessary.

I am strongly of opinion that the civil-service law should be continued, and not repealed. I have no doubt that room will be found for amendments from time to time.

Very truly, yours, JOHN D. LONG,
Secretary.

Hon. J. C. PRITCHARD,
United States Senate, Washington, D. C.

GOVERNMENT PRINTING OFFICE.

The CHAIRMAN. Here is a letter from the Public Printer that is in a somewhat different line:

OFFICE OF THE PUBLIC PRINTER,
Washington, D. C., April 28, 1897.

DEAR SIR: I am in receipt of yours of the 17th instant, in which you submit for my consideration the following inquiries:

1. "To what extent have civil-service rules been promulgated in your Department?"

2. "To what extent, in your opinion, should deputy collectors of internal revenue and deputy United States marshals be included in the classified service?"

3. "Should the existing rules of the civil service be modified?"

4. "Should the civil-service law be amended, continued, or repealed?"

I have carefully considered these inquiries, and herewith submit the following reply:

1. The civil-service rules as promulgated November 2, 1896, and January 15, 1897, for observance in this office, cover the following named classes of employees, grouped officially as herein shown:

First group (all skilled laborers).—Assistant doorkeepers, boxers, captains of watch, charge of charwomen, charge of counting room, charge of delivery room, charge of glue room, charge of gold sweepings, charge of helpers, charge of numbering, charge of piece sewers, charge of sewing machines, charge of stitching machines, charge of warehouse, counters, directresses, doorkeepers, examiners, feeders, firemen, floor hands (not mechanics), folders, gold workers, helpers, hoisters, hydraulic pressmen, knife grinders, leather cutters, leather parers, messengers, numberers, operators, paper cutters, perforators, sawyers, sewers, stablemen, telephone operator, wagon master, wagon messengers, watchmen, yard master.

Second group (all persons employed in the mechanical trades, including proof readers and copyholders).—Assistant foremen of divisions, assistant foremen of printing, binders, blacksmiths, carpenters, charge of carpenters, charge of pamphlet machine, charge of plates, charge of web presses, charge of "Y," chief electrician, chief engineer, chief machinist, compositors, copyholders, electricians, electrotypers, engineers, floor hands (mechanics), foreman of binding, foremen of divisions, foreman of printing, imposers, machinists, makers-up, marblers, painters, plumbers, pressmen, readers, roller makers, saw grinders, stereotypers, superintendent of building, superintendent of paper warehouse.

Third group (all persons employed in a clerical capacity).—Cashier, chief clerk, clerks, storekeeper, superintendent of documents, telegrapher.

The only persons here who are not by these rules included in the classified service are charwomen and laborers employed in work outside of the Government Printing Office proper. Unskilled laborers employed inside the office are denominated as "helpers," and are included in the classified lists.

3. As applied to this office, which is simply a great manufacturing plant, involving varied branches of skilled labor of high grade, the civil-service rules are, in my judgment, an obstruction rather than an aid to efficiency and economy. In my opinion the civil-service rules as promulgated for enforcement here should be modified radically, suspended, or repealed.

4. The interrogatories propounded in paragraph No. 4 are answered in the preceding paragraphs.

Very respectfully, your obedient servant,

F. W. PALMER.

Hon. J. C. PRITCHARD,
Chairman of Committee on Civil Service and Retrenchment.

POST-OFFICE DEPARTMENT.

The CHAIRMAN. The following is from the Postmaster-General:

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., April 24, 1897.

SIR: I have the honor to acknowledge receipt of your letter of April 17, written by direction of the Committee on Civil Service and Retrenchment, and submitting to me a series of inquiries.

With regard to the first, "To what extent have civil-service rules been promulgated in your Department?" I would say that all positions in this Department, except my private secretary and one confidential clerk, and a few male and female laborers for the most part connected with the mail bag repair shop, a mechanical division of the Bureau of the Second Assistant Postmaster-General, are included under the classified service.

Second. "To what extent, in your opinion, should collectors of internal revenue and United States marshals be included in the classified service?" Upon this question I have no opinion to express, as it relates peculiarly to other branches of the public service than the Post-Office, and my information is not sufficient to justify an expression of opinion.

Third. "Should existing rules of the civil service be modified?" My brief observation of the practical workings of the classified service are too limited to allow the expression of a formal and matured opinion, but I am led to believe by the experience which I have so far had that some modification and change in existing rules would be greatly to the benefit of the service.

Fourth. "Should the civil-service law be amended, continued, or repealed?" I am in favor of a civil-service law properly constructed. By which I mean a civil-service law which will secure recognition of merit and the promotion of persons specially qualified for public office. I can not at this time say in detail what changes or modifications would be most desirable in my opinion, but by way of categorical answer to the question submitted I will express as my opinion that the law should be amended and continued.

Please consider the above as simply the expression of personal opinion, given with some feeling that my opportunities for observation have not been great enough to qualify me to speak with authority.

I have the honor to be, very truly, yours,

JAS. A. GARY,
Postmaster-General.

Hon. J. C. PRITCHARD,
United States Senate.

TREASURY DEPARTMENT.

TESTIMONY OF SOLOMON E. HOLMAN.

SOLOMON E. HOLMAN, being duly sworn, testified as follows:

The CHAIRMAN. Where do you reside?

Mr. HOLMAN. At 129 D street NW.

The CHAIRMAN. In this city?

Mr. HOLMAN. Yes, sir; in this city.

The CHAIRMAN. Do you desire to make a statement to the committee in regard to the civil-service law?

Mr. HOLMAN. Yes, sir.

The CHAIRMAN. We would be glad to hear anything you may have to say bearing on that question.

Mr. HOLMAN. The class that I was employed in was not under the civil service at the time I was discharged. It was put under the civil service a couple of weeks afterwards. I was a messenger.

The CHAIRMAN. In what Department?

Mr. HOLMAN. In the Treasury Department.

The CHAIRMAN. At what date were you discharged?

Mr. HOLMAN. I was discharged on the last day of September. I received my discharge to take effect on the 15th of October.

The CHAIRMAN. What position do you say you held?

Mr. HOLMAN. I was assistant messenger.

The CHAIRMAN. In what division?

Mr. HOLMAN. In the redemption division.

The CHAIRMAN. Now, go on and give the circumstances attending your discharge and anything else you may know about it.

Mr. HOLMAN. On the last day of September, in the evening, about half an hour before we quit work, the chief of the division came to me and said to me that he would like to have me remain until after the clerks had quit work and left the office. I did so. When I went into his office, he said to me that he had bad news for me. He said that it was just like breaking the news to his brother. That is the first inkling I had of being discharged. I had not any idea of anything of that kind happening. I told him I was sorry, because I had a family to support, and I was getting along very well there. Then I said to him, "However, I am under many obligations to this Administration for keeping me as long as they did," and I thanked him for the kind treatment I had at his hands, and also spoke of my pleasant association with the balance of the officers.

Then I asked him if there were any charges preferred against me, and he said no, there were not. He said, "You and two others were discharged from this Department to-day," myself and two ladies. He said that one of the ladies was discharged for talking too much, and that I got my discharge on account of my politics. I told him that I hardly thought that was right; that I was not an offensive partisan; that I simply went home and voted once a year. That was at our fall elections. I am from Columbus, Ohio, and that is where my home is, and every fall I cast my vote there. I had to go there generally about a week or ten days before the election in order to register. I do not remember what the other lady was discharged for, but she was a soldier's widow. Her husband and, I think, two or three brothers were killed in the Union Army.

Then he said to me, "Now you have not anything particular to do, have you?" I said, "No, sir." This was Saturday evening. He asked me to come back on Monday morning and go to work as usual. He said that it was not necessary for me to come, but he requested it. He said that he would then go to the Secretary and try to have that order revoked. Well, I went back and went to work as usual. In the evening he came to see me and said he was to see the Secretary, but he could not do anything with him. He said he pleaded for me, but the Secretary said that I had been there long enough and it was time for me to go. So I left.

In the latter part of October I went back to Ohio. Our election came off in November. I saw some of my friends there who knew that I

had been discharged, and they advised me to go to Senator Sherman. So I came back and went to Sherman and presented him my case. He said that he could not get to see Secretary Carlisle himself, but he wrote me a very strong letter to Secretary Carlisle and gave it to me. So I presented the letter to Carlisle, and that was the last I ever heard of it. That is about the extent of my case.

The CHAIRMAN. Do I understand you to say that you are an ex-Federal soldier?

Mr. HOLMAN. Yes, sir; I served a little over three years. I was wounded twice, once in my right arm, and my left arm was shot away.

Senator CHILTON. Were the messengers under the classified service at the time you were discharged?

Mr. HOLMAN. No, sir; they were put under the classified service two weeks, or something like that, afterwards.

The CHAIRMAN. Did you make an application to be restored after they were classified?

Mr. HOLMAN. Yes, sir; it was after they were classified. It was after I had come back from Ohio.

The CHAIRMAN. What did it result in after you made an application?

Mr. HOLMAN. I never heard of it afterwards. That was the last of it. It was simply a letter from Sherman.

The CHAIRMAN. Did your application show that you were a veteran?

Mr. HOLMAN. Yes, sir. I have a copy of the letter at home; not with me, though.

The CHAIRMAN. Did they give any reason for not reinstating you?

Mr. HOLMAN. No, sir; only what the Secretary told the chief; that I had been there long enough and that they would have to let me go.

The CHAIRMAN. Is there anything else you desire to state?

Mr. HOLMAN. Well, the chief of the division was a gentleman. He did everything he could for me. He tried to have me retained. I should like to have my record inquired into at that office. I think you will find it all right.

The CHAIRMAN. I do not know that you have given us the name of that chief of division.

Mr. HOLMAN. His name is Albert Relyea.

The CHAIRMAN. Is he now in the Government service?

Mr. HOLMAN. Yes, sir. He is a Democrat, but he is a very nice man, I tell you. He came there under Cleveland's first Administration, and he has been there ever since. There is no charge against him—nothing of that kind.

Senator CHILTON. Did I understand you to say that Mr. Relyea told you that you were discharged on account of your politics?

Mr. HOLMAN. Yes, sir.

Senator CHILTON. Do you mean because you were a Republican?

Mr. HOLMAN. Yes, sir.

Senator CHILTON. What date was that?

Mr. HOLMAN. That was on the last day of September, 1894. There is another little thing I want to state. My discharge did not take effect until the 15th of October. So I went back about the 15th, or a few days after, to get my pay. I went to the chief clerk of that division. His name is Bradley. He said he was very sorry to see me go. I told him I was too. He told me that it was on account of my politics that I was discharged, and that there were no other charges brought against me, because my record is good down there. There was a young gentleman who was discharged from his office about the same time I was. He said he went around to——

Senator CHILTON. I do not know that that is relevant.

The CHAIRMAN. No; that can not be received.

Senator CHILTON. I do not want to have testimony spun out so long.

The CHAIRMAN. It is not competent to state what someone else said.

Senator CHILTON. When was it that you got the letter from Senator Sherman you speak of?

Mr. HOLMAN. It was some time in November.

Senator CHILTON. Of what year?

Mr. HOLMAN. 1894.

Senator CHILTON. When was it that you made the application for reinstatement that you speak of?

Mr. HOLMAN. I made an application for reinstatement four or five weeks ago, under this Administration. I did not make an application except through that letter from Sherman.

Senator CHILTON. Then from November, 1894, until since the inauguration of Mr. McKinley you made no application for reinstatement?

Mr. HOLMAN. No, sir.

Senator CHILTON. When did you say the messengers in the Treasury Department were put under the civil-service law?

Mr. HOLMAN. I do not remember the date exactly; it was a few weeks after I was discharged.

The CHAIRMAN. I understood you to say in answer to Senator Chilton just now that you did not make any application for reinstatement after you were discharged until quite recently?

Mr. HOLMAN. Well, that letter was an application for reinstatement.

The CHAIRMAN. What was the nature of the letter? Did Senator Sherman ask that you should be reinstated?

Mr. HOLMAN. Yes, sir.

The CHAIRMAN. When did you file the letter from Senator Sherman?

Mr. HOLMAN. I do not remember the date exactly, but it was a day or two after I came back. I took it right there.

The CHAIRMAN. That is a very indefinite way of putting it. Was it during Mr. Cleveland's Administration or during the present Administration?

Mr. HOLMAN. It was during Cleveland's Administration. It was in November, 1894.

The CHAIRMAN. You were wounded in the army?

Mr. HOLMAN. Yes, sir.

The CHAIRMAN. Please state when and where.

Mr. HOLMAN. I was wounded in the right arm at the battle of Shiloh.

The CHAIRMAN. Did you lose your arm in consequence of the wound?

Mr. HOLMAN. No, sir; that was my right arm. On Sherman's Atlanta campaign I had my left arm shot away at the battle of Pickett Mills on the 27th day of May, 1864.

The CHAIRMAN. You lost your left arm there?

Mr. HOLMAN. Yes, sir.

Senator CHILTON. Was the letter from Senator Sherman written after the office was put under the civil service, or before.

Mr. HOLMAN. I think it was afterwards; I am satisfied it was.

Mr. PROCTER. I suggest to the chairman that he ask Mr. Holman whether he understands that under the civil-service rules he is eligible to reinstatement regardless of the time he was separated from the service.

The CHAIRMAN. It is suggested that I ask you if you understand that you are eligible to reinstatement under the law.

Mr. HOLMAN. Oh yes, sir; I have sent in my application.

POST-OFFICE DEPARTMENT.

TESTIMONY OF JOHN THOMAS MORTON.

JOHN THOMAS MORTON, being duly sworn, testified as follows:

The CHAIRMAN. Where do you live, Mr. Morton?

Mr. MORTON. My home is in Atchison, Kans.

The CHAIRMAN. Do you desire to make a statement in regard to the civil-service law?

Mr. MORTON. I do, sir, with the courtesy of the committee.

The CHAIRMAN. We will be glad to hear you.

Mr. MORTON. I am, gentlemen, the person who was appointed in Mr. Cleveland's first year, under the mistaken idea that he was a white man and who, on arriving here, was found to be a colored man. Do you remember the circumstances? It created quite a flurry that Mr. Cleveland's Administration should turn out negroes and then appoint another negro. I was appointed in December, 1885.

The CHAIRMAN. To what position?

Mr. MORTON. A clerk in the Post-Office Department at a salary of $1,000 a year. I was then and am now a minister of the gospel, and I have made it my business to accept in every department of labor in which I found myself.

The CHAIRMAN. I should like to have you come right down to the point.

Mr. MORTON. I am coming to that.

The CHAIRMAN. Get right down to the particular matter you wish to lay before the committee.

Mr. MORTON. I made myself a good, excellent, painstaking clerk. I served for nine years. I was promoted for merit. In 1894, in January, I was taken sick with the grippe. I was absent a month. On my return to the office, the first day, I was notified that I was reduced to $900 and transferred to the Dead-Letter Office.

The CHAIRMAN. Were any reasons assigned for this change at the time?

Mr. MORTON. None whatever. I have the order. I gave it to Mr. Case Broderick yesterday to be filed with the Postmaster-General. The original order can be obtained and inspected. There was no reason assigned.

The CHAIRMAN. Well, go on.

Mr. MORTON. The next day I repaired to the Dead-Letter Office, and went to work in the gallery. But, notice, this was a persistent and unjustifiable effort of persecution to get me out of the office, which finally succeeded. I resisted it every step of the way; but after going to work the first day in the gallery, the next day I was notified that I was required to go below and report to Mr. Thompson for work. I went there and found that I was to wait on other clerks. My work was to be no longer clerical, but the opening of letters, assisting or rather procuring the mail bags from some little cuddy hole, opening them, getting ready for others, preparing work for others, going to work before 9 o'clock and working after the others had gone at 4 o'clock, securing the bags, putting up bundles, etc. Finally, about the 1st of May I was notified that the First Assistant wanted to see me.

Senator CHILTON. What year was that?

Mr. MORTON. That was in 1894. When I went to see him, Mr. Jones said, "Mr. Morton, I regret I have to inform you that your resignation

is desirable." "On what grounds, sir?" "On the ground that you do not give satisfaction." "Sir, all the records of the office will show you to the contrary. I have made as good a clerk as there is in the Department. I have made that my business and aim." "I do not so consider it," he says. "Well, sir, if I do not resign, what step shall you take?" "I shall dismiss you immediately and peremptorily." Why, there was no alternative. I went over to the Civil Service Commission and laid my case before Mr. Roosevelt. The satisfaction I got was that the Commission would correspond with the Department. Well, I knew that when they got through with the correspondence what little money I had saved would be gone, and I decided that it would be better for me to return home and wait there for the issue of the correspondence than to remain here and be reduced to poverty. After laying my case before the Commission I went home.

The CHAIRMAN. What was the result of the correspondence?

Mr. MORTON. I never heard a thing more of it. It could not have amounted to anything, for in all other cases of correspondence the answer from the Department was that reasons sufficient to the Postmaster-General were discoverable for the dismissal of such a clerk, and that ended it.

The CHAIRMAN. Do you mean to say that they failed to notify you as to the result of the investigation they made growing out of your application?

Mr. MORTON. I do not suppose that the investigation ended in anything at all definite.

The CHAIRMAN. You do not answer my question. The question I ask you is, Did they give you any notice as to the result of the investigation of the Commission?

Mr. MORTON. No, sir; Mr. Roosevelt simply said he would correspond with the Department, and that ended it so far as my knowledge is concerned. But the records of the Department show (if I say it myself, I want to say it without braggadocio) that no man gave better satisfaction or received more encomium and words of praise than I did. For nine years I gave no trouble to the Department, and to my astonishment, after I had served in the salary and allowance division, in the appointment division, in the division of supplies, and had been detailed to places where accurate and difficult work was required—to my astonishment, I found I did not give satisfaction.

The CHAIRMAN. You said something a while ago about having been discharged or refused appointment on account of your color. I did not catch that remark. What was it?

Mr. MORTON. I said that it was a persistent and unjustifiable effort to get me to resign. I do not know that I referred to color.

The CHAIRMAN. I understood you at the commencement of your statement to say something of that kind.

Mr. MORTON. I think that was the case.

The CHAIRMAN. Do not state what you think, please. If you know anything of your own knowledge bearing on that point, you may state it; otherwise it would not be proper for you to do so.

Senator CHILTON. Do you know anything to justify the statement that your discharge was on account of your color? Do you know any fact?

Mr. MORTON. The course pursued by the Department from March the 1st, 1894, to the time of my resignation would justify me in believing that it was my color that made me persona non grata in the Department. They did not want me there.

Senator CHILTON. Then I understand you went into the Government service in 1885?

Mr. MORTON. In 1885.

Senator CHILTON. What time in 1885?

Mr. MORTON. In December.

Senator CHILTON. When did you first notice this disposition to which you refer, this persecution?

Mr. MORTON. At the time I said, March 1.

Senator CHILTON. 1895?

Mr. MORTON. 1894.

Senator CHILTON. You were there then nearly nine years before you saw any exhibition of that sort?

Mr. MORTON. Before I saw any exhibition of that sort.

Senator CHILTON. You were there during Mr. Cleveland's first Administration?

Mr. MORTON. All the time.

Senator CHILTON. And there was no such exhibition then?

Mr. MORTON. They were afraid to show it then.

Senator CHILTON. And you saw no such exhibition during the four years of Mr. Harrison's Administration?

Mr. MORTON. Oh, no, sir. Had it not been my color that was objectionable to the Department, I would have been allowed to remain as clerk in the Gallery of the Dead-Letter Office.

Senator CHILTON. What Department were you working in when you first saw these manifestations?

Mr. MORTON. In the Post-Office Department, in the Bureau of Supplies.

Senator CHILTON. How many men are employed in that Bureau?

Mr. MORTON. There are some forty or fifty.

Senator CHILTON. Were you the only colored man there?

Mr. MORTON. The only colored clerk.

Senator CHILTON. You were not the only colored clerk in the Post-Office Department?

Mr. MORTON. I think for a long time I was the only colored clerk in the Post-Office Department.

Senator CHILTON. When you were discharged, were you the only colored clerk in the Post-Office Department?

Mr. MORTON. I think I was.

Senator CHILTON. You think you were the only one?

Mr. MORTON. Outside of the Dead-Letter Office. There was Miss Grimsby—I think her name was—in the Dead-Letter Office.

Senator CHILTON. Coming down to details, what particular person exhibited this spirit of persecution toward you? I want to get down to the point. What particular person was it? Give the name of the person.

Mr. MORTON. I do not think I can give the name. I can give an idea. When I took my seat in the gallery of the Dead-Letter Office, there came to me a gentleman, young in years, who told me he was the chief of that part of the Dead-Letter Office, and he welcomed me, comforted me, assured me of what he meant as his protection, that he sympathized with me in my downfall, and trusting that it might not always continue. In fact, he gave me a great many sugared words of comfort and consolation. He gave me work, and applauded me the next day. He complimented me on account of the amount of work I had done. But the next day when he came to me the compliment was more of a vinegary aspect, and he told me, with a cold look, that he had

orders to require me to go below. There were no more of those looks of sweet comfort.

Senator CHILTON. Who was he?

Mr. MORTON. I forget his name.

Senator CHILTON. You do not remember his name?

Mr. MORTON. I do not remember his name.

Senator CHILTON. Can you give a single name?

Mr. MORTON. I can not give a name, but I judge from that that he had received the order that the man must go downstairs.

Senator CHILTON. I do not want your surmise; I want the name.

Mr. MORTON. I can not give you that.

Senator CHILTON. Then that is all.

Senator LODGE. Who was the officer who dismissed you?

Mr. MORTON. Mr. Jones.

Senator LODGE. The First Assistant Postmaster-General?

Mr. MORTON. The First Assistant Postmaster-General.

Senator LODGE. Was any cause alleged for your dismissal?

Mr. MORTON. The cause personally assigned was, "You do not give satisfaction," and that was not true.

Senator LODGE. You think that you were removed on account of politics?

Mr. MORTON. Well, partly. Had I belonged to your race, sir, I might be there to-day, for a great many Republicans are in office to-day who held office under the late Administration, but the something that made me more objectionable than the political question was my color.

The CHAIRMAN. Mr. Procter, do you desire to ask the witness any questions?

Mr. PROCTER. I merely wish to ask if you were appointed from an examination held by the Civil Service Commission?

Mr. MORTON. Certainly, sir.

Mr. PROCTER. On a certification made by the Commission?

Mr. MORTON. Certainly.

Mr. PROCTER. And you were appointed in Mr. Cleveland's first Administration?

Mr. MORTON. Yes, sir.

Mr. PROCTER. Notwithstanding you were of the opposite political faith?

Mr. MORTON. And I would have been dismissed, but there was such a flurry.

Mr. PROCTER. And you held office, you say, for nine or ten years?

Mr. MORTON. Yes, sir.

Mr. PROCTER. That is all I wish to ask.

The CHAIRMAN. You say you would have been dismissed then had it not been for what? I did not catch the word.

Mr. MORTON. At the time of my appointment the papers took up the hue and cry all over the country.

The CHAIRMAN. But you do not catch the point. You said that when you were first certified for appointment, in all probability you would have been dismissed had it not been for something. Now, what was that?

Mr. MORTON. I am telling you that now.

The CHAIRMAN. Well?

Mr. MORTON. The papers criticised the action of the Administration in appointing a negro after so many other negroes had been dismissed, and the tone of the press all over the country was, "We will see what disposition Mr. Cleveland and his Administration will make of this

negro man—how they will treat him;" and on that account nothing was done to me. The Administration wanted to show that they would treat me fairly and honorably. But in the second Administration it was quite different.

The CHAIRMAN. Have you stated all you desire to state about this matter?

Mr. MORTON. I think I have. If any proof of what I have said is required from the papers I have filed, they are in the possession to-day, I think, of the Postmaster-General.

INTERIOR DEPARTMENT.

FREEDMEN'S HOSPITAL.

TESTIMONY OF DR. CHARLES B. PURVIS.

Dr. CHARLES B. PURVIS, being duly sworn, testified as follows:

The CHAIRMAN. Where do you reside, Doctor?

Dr. PURVIS. I live here in the city at present; in fact, I have been living here for some years.

The CHAIRMAN. What is your profession?

Dr. PURVIS. A physician.

The CHAIRMAN. Do you desire to make a statement to the committee bearing on the civil-service question?

Dr. PURVIS. I will state that for a number of years I was surgeon in chief of the Freedmen's Hospital, an institution that I have been instrumental in making what it appears to be. Four years ago, during the fall of 1893, I learned that there was some disposition to remove me from the position; in fact, I read in our daily papers that an effort was being made by some negro Democrats, by a man by the name of Astwood, and a fellow by the name of Taylor, and I read quite a number of adverse and offensive criticisms, so I asked the dean of the medical college with which I am connected and one of the trustees of Howard University to call upon the Secretary of the Interior, Mr. Hoke Smith. To their surprise they learned that it was his intention to remove me. I thereupon had a number of the members of the faculty, my colleagues and associates, to wait upon him and other gentlemen to discover, if possible, his reason. He did not give a very good reason, if any. He only said he intended to remove me; that I was a rather offensive person politically.

As I was deeply interested in a medical college which is very closely identified with this hospital, and to which I have devoted twenty-four years of my life, and being the only one that was Catholic in its sentiments and principles, and knowing very well that the hospital was of paramount importance, that we could not give any practical instruction unless we could control the hospital, and moreover, as the hospital had been transferred after the close of the Freedmen's Bureau from the War Department to the Department of the Interior at the instance of the medical faculty of the college I refer to, and as there was a tacit understanding that this faculty should have the control—or the naming, I had better put it—of the surgeon in chief, and they did have it until the coming of Mr. Smith, a little while after that interview I waited upon Mr. Smith. I had met him but once before, and then for only a moment.

He asked me to walk into his private room; that he would like to see me. He came in, and in the course of a little while he said, "Doctor, what can I do for you?" I said, "Mr. Secretary, I understand that you contemplate removing me from the Freedmen's Hospital as surgeon in chief. This is not a political office; it is only partially under the Department of the Interior, and that by accident; and I should like to know why you think of removing me. You are injuring my institution," referring to the medical college, "very seriously, sir." "Well," said he, "there is nothing against you; your record is excellent. I have not been here long, but what I learn about it is excellent, but I have one thing against you." I said, "What is that, sir?" "You made a speech in a church here favoring the passage of the Federal elections bill, and I have got that against you, sir." Said I, "That is all you have against me?" "Yes, sir." Said I, "How do you know I made that speech?" "Well, I have a little extract from it." "Where did you get it?" I asked. Said he, "My colored Democratic friends brought it to me." "Well," said I, "it is in the Post, I presume?" "Yes; that is the morning paper here." "Well," said I, "there is nothing in that extract that you can take exception to, because my remarks as printed seemed to be a running criticism on the course of Senator Ingalls in the matter, but I tell you frankly I made the speech; I am in favor of it." He said, "I shall remove you the very moment I can find a colored Democrat to take your place. I do not know that I will find one who is as thoroughly equipped in hospital matters as yourself or with your experience, but I shall remove you, sir." "All right, sir."

Then he said to me, "I have strong feelings upon this subject, and I have written something about it. Did you read my article in the Forum?" I said, "I did, sir; and I had the pleasure of reading Senator Lodge's reply. I do not think you comprehend the merits of the Federal elections bill." "Oh," he said, "you are in favor of putting negroes on a political equality with me. I am opposed to it." Then I replied, "I would be in favor of a Federal elections bill, a force bill as you call it, if there was not a negro in the United States: I am in favor of it upon broader grounds," and I gave my reasons somewhat extended. We passed a few minutes pleasantly, and I took my departure.

Suffice it to say that in a little while, in February following, he sent a messenger to my house in the night about 7 o'clock and said, "I have selected your successor. You will please send in your resignation early in the morning." I wrote a letter saying, "As you have ordered me to resign, of course there is nothing else for me to do. I hereby tender my resignation"—a very short letter. That is the whole of my statement.

I will add that we have had a good deal of embarrassment since, because you can not run a medical school unless the college is kept in touch and is in unison with a hospital of some kind.

Now, that embraces my statement, I believe. I did not seek reinstatement under Mr. Smith. I have asked Mr. Bliss to restore me because of my record, which is excellent, and also because it is a non-political position. Then I did not feel like being punished for any political expressions that I might make. I considered that high handed and impertinent on the part of Mr. Smith. Possibly I showed that in my manner. I guess it is somewhat congenital in me to resist any encroachments upon my individual rights. But as I was in the Army (I acted as assistant surgeon in the Army about three years, in the latter part of the war; in 1865 I entered), and being familiar with the civil-service law, I knew I was entitled to reinstatement. But I have heard

nothing about it. That is pending. It is the educational idea of the matter that is influencing me solely. I believe I have said all, Mr. Chairman.

The CHAIRMAN. At what date was the Freedmen's Hospital placed under the classified service? Do you remember?

Dr. PURVIS. I am not sure, but I think it was either last June or in January just past. It has been only a few months since my successor was appointed.

The CHAIRMAN. The entire Department is now under the classified service?

Dr. PURVIS. Yes, sir; and it is absurd, because very many of the employees receive pay as low as $7, some as low as $5, and from $10 up. The major portion of them receive only about $7 per month, and this shows the utter absurdity of putting servants there under the civil service. You know, to a physician in charge of a hospital, the difficult part of the hospital is the hotel part of it, and you have to dismiss servants at will, and now to have them tied up by civil-service rules is supremely ridiculous.

Senator LODGE. Your office was not under the civil service when you were appointed?

Dr. PURVIS. No, sir.

Senator LODGE. You are eligible for reinstatement?

Dr. PURVIS. I am, sir. I might say that there is a committee considering the propriety (and really that was the promise we had four years ago) of taking it entirely out of politics and placing it upon a footing with the kindred institutions of the District of Columbia. An eleemosynary institution should not be considered for a moment as a political one, nor should our schools.

The CHAIRMAN. You think it should not be under civil service?

Dr. PURVIS. No, sir; it should not. No educational or eleemosynary institution should for one moment be under the civil-service rules. You destroy the effect of the institution at once; the morale of the institution is destroyed.

Senator LODGE. You think it should be kept out of politics?

Dr. PURVIS. Absolutely; and so with all the institutions in the District. I was on the school board as a trustee here, and we had to resist the advances from political persons (from politicians, I might say properly) who wanted to appoint teachers. You know that would never do in the world. This institution is about in the same category with any other school.

Senator LODGE. You do not think that appointments or removals should be made in a hospital here on political grounds?

Dr. PURVIS. Never; in no place. I think that is true, too, I may add, though not quite germane to my remarks, for surgeons examining pensioners, and in all such cases, because an experienced surgeon and physician is worth a great deal more than a mere parvenu who might be technically a bright person.

Senator CHILTON. All this conversation and difficulty to which you refer between yourself and Mr. Smith occurred before there was any attempt to place the Freedmen's Hospital under the civil service, as I understand you?

Dr. PURVIS. Yes, sir.

Senator LODGE. Had the appointments been made politically up to that time?

Dr. PURVIS. Never before. We have had men of different shades of politics there before.

Senator LODGE. Persons of both political parties were in service at the hospital at the time you were removed?

Dr. PURVIS. As officers?

Senator LODGE. I mean as officers, of course.

Dr. PURVIS. Yes, sir; there had been before that.

Senator LODGE. So far as you know, this is the first time the place has been filled for political reasons?

Dr. PURVIS. It was never done before; I know that positively. I could give you corroborative witnesses about this matter, because Mr. Smith made a similar statement to a number of prominent persons. He was very frank about it. He is an open, frank person. He was just as square as he could be about it. He made no bones about it, to use an ordinary expression.

The CHAIRMAN. Mr. Procter, do you desire to ask Dr. Purvis any questions?

Mr. PROCTER. I should like to ask him just one question. You stated that you thought it was injudicious to put the Freedmen's Hospital under civil service because of the low pay of some of the employees?

Dr. PURVIS. That is one reason.

Mr. PROCTER. I mean that that was one reason. Are you aware that there is a provision of the rules by which people who are conveniently located for the discharge of their duties and who receive not more than $300 a year are not included in the classification at all, and that the Commission has instituted, for filling all places in the Freedmen's Hospital, a system of registration by which the people shall be tested simply upon their capacity, without any scholastic test?

Dr. PURVIS. Yes, I know it; but, nevertheless, in the zeal to do the unhandsome thing, they included what are called pupil nurses and also internes. There is no such position known to the laws. The only law we have relating to the matter is the appropriation bills, and no appropriation bill provides for pupil nurses or for internes. But my successor has carried out what we established before his coming—a training school for nurses, a very good institution. We established it some time before he came there, and now he calls them pupil nurses. So I take notice that in the last civil-service rules pupil nurses are mentioned, and they are to be examined for the purpose of being admitted to this school. The school has no legal existence, but it is a good institution. So what you say is correct. Nevertheless, what I say is also correct, that these people are included, and they receive only $84 a year. The internes receive only $10 a month, or $120 a year.

Mr. PROCTER. That is, if they were reported as included. They are not included.

Dr. PURVIS. You will find it in the printed rules.

Dr. WILLIAMS. Mr. Chairman, I desire to be heard with reference to the Freedmen's Hospital that is under discussion. It is a very important matter. I should like to have you hear both sides.

The CHAIRMAN. Yes; we will be delighted to hear both sides. Do you wish to ask the witness a question?

Dr. WILLIAMS. I do not know what the tenor of his testimony has been.

Dr. PURVIS. The cause of my removal. I said nothing about you personally.

Dr. WILLIAMS. Oh, no; we do not have anything personal to be heard upon.

The CHAIRMAN. If you wish to be heard as a witness, we will hear you now.

Dr. WILLIAMS. Very well.

TESTIMONY OF DR. DANIEL H. WILLIAMS.

DR. DANIEL H. WILLIAMS, being duly sworn, testified as follows:

The CHAIRMAN. What position do you occupy?

Dr. WILLIAMS. Surgeon in chief of the Freedmen's Hospital.

The CHAIRMAN. Do you desire to make a statement to the committee in regard to the hospital?

Dr. WILLIAMS. I do, sir.

The CHAIRMAN. We will be glad to hear what you have to say on that subject.

Dr. WILLIAMS. I did not come to the Freedmen's Hospital as surgeon in chief through politics. As near as I understood it from Judge Gresham, who was the instigator of my coming here from Chicago there was nothing in a political way considered at the time of my appointment. I had been a lifelong Republican, and, in fact, had never voted the Democratic ticket in my life up to that time. The understanding was, as I told Mr. Smith when I came here, that I did not come as a politician. He said that he did not want a politician. I told him I could not fill the bill if he did. That is as to my coming here.

There has been nothing political in the Freedmen's Hospital from the time I have been there up to the present time; no appointment, no favoritism, nothing of any kind that I know of in the way of politics. I want to answer any questions that you may wish to ask on that point, and I should like to say something on the question of the training school.

The CHAIRMAN. Proceed and make your statement, and then we will ask you any questions we may desire.

Dr. WILLIAMS. The training school for nurses was the last point in the Doctor's statement, and I heard it as I came in. In the training school, as well as in every other department in the Freedmen's Hospital where a certain amount of intelligence is to be exercised in the discharge of their duties, we feel that it is necessary to have some protection in the way of qualification, and the civil service has given us this protection by asking for a minimum examination for the entrance of the nurses and for a little heavier examination for the internes, and so on up to the office of the surgeon in chief. It is a protection to the service, and it does away with politics. You get a better service, and a service that we can depend more on on account of the intelligence that is brought to bear upon the work.

As to the internes, we feel that it is in every way an improvement on the old system to have a corps of young men who are graduates to fill the position of resident physicians, and pay them a small amount—enough to pay for their washing and incidental expenses. That is better than to have one or two men there drawing large salaries who could not do the work, and they can not now do the work of any modern hospital. That is conceded everywhere.

In regard to the doctors' training school, if I may beg to make a reference, I would say that in my humble judgment I did not consider that there was a training school in existence on the grounds of the Freedmen's Hospital when I went there. There were fifteen women there who had been there all the way from five to twenty years. There was only one of them who could read or write. Not a single one of them, with the exception of one, could read or write. If I had known

what I was coming to, I would have brought the pay roll down and showed you that not a single one of them could read the directions on a bottle of medicine that was going into the wards. I can verify that by bringing the pay roll, which will show you, not the handwriting, but the mark that those women would make for a sign on the pay roll at the end of each month.

I wish further to state that in the training school that was in existence there at that time there were over 100 women of all ages, classes, and degrees who were attending lectures at the Freedmen's Hospital, with the privilege of coming in and going out whenever they chose. The doctor will bear me out in the statement I am making. They were coming in and going out whenever they chose. There was no superintendent of nurses; there was no organization in the training school. Those women paid $5 a year for the privilege of listening to lectures, an aggregate of over $500, which was paid for the privilege of receiving an education as a trained nurse. We now take them into the school and pay those women $7 a month as all other modern training schools in the United States do. We educate them. We give them $7 a month, and they are a part of the hospital work. Every woman who comes in there must come in well qualified to perform the duties of an educated nurse. That is as far as I had better go into the nurses' business. It is a plain statement of facts. Now, if there is any question you would like to ask I shall be happy to answer it.

Senator LODGE. I should like to ask you on that point what is the system of training nurses in the hospitals of the large cities of the country?

Dr. WILLIAMS. Just as we have at the Freedmen's Hospital to-day, sir. They are received after an examination into the training school. Take all the hospitals of the country, in New York, Philadelphia, Boston, Baltimore, and Chicago, and they are received after an examination. Those nurses are paid from $5 to $12 per month. They are furnished with cap and apron. They buy their other little incidentals with the money that is given to them. It is not given to them as a salary at all. A great many of them are poor and can not afford to go into the training school, and it is given to them to protect them while they are there in the way of existence. It is the system that prevails in every single hospital in the United States that is organized under modern conditions without any exception, except a few Catholic institutions, which always have the sisters to do the nursing, or the few Episcopal hospitals, where there are brothers and, I think, a few sisters; but 99 per cent of all the hospitals in the United States are conducted after the plan that the Freedmen's Hospital is now conducted on.

The CHAIRMAN. Have you had occasion to look at the blanks used in making these examinations?

Dr. WILLIAMS. I have examined them.

The CHAIRMAN. What is the nature of the questions asked? What is the grade of the examination?

Dr. WILLIAMS. It is about what I understand to be the eighth grade in Washington.

The CHAIRMAN. Do you mean in the public schools here?

Dr. WILLIAMS. Yes, sir; the eighth grade in the public schools.

Senator LODGE. Is any distinction made as to colored or white persons in the force there?

Dr. WILLIAMS. We prefer colored people. We do not take white women, because it is not practical in Washington. There is so much prejudice here against colored people that we feel we could not run the

training school peaceably if we employed white women. The women have to room together and eat together, and we could not possibly get along. So on those social grounds we only accept colored girls into the training school.

The CHAIRMAN. Mr. Procter, do you desire to ask any questions?

Mr. PROCTER. I will ask one or two questions. You have been consulted, or your medical fraternity have been consulted, about the few examinations which have already been held?

Dr. WILLIAMS. I have been consulted personally. I am the executive officer.

Mr. PROCTER. You have been consulted by the Commission?

Dr. WILLIAMS. Yes, sir; by the Commission.

Mr. PROCTER. And the character of the examination has been indicated?

Dr. WILLIAMS. Yes, sir; we have a registration for our nurses. They are examined, and then they are registered in the Civil Service Commission.

The CHAIRMAN. You were appointed as the successor of Dr. Purvis?

Dr. WILLIAMS. I was.

The CHAIRMAN. And you have held the position ever since?

Dr. WILLIAMS. Yes, sir. I wish to say, in justice to the doctor, that he held the position for twenty years.

Dr. PURVIS. Oh, no.

Dr. WILLIAMS. He was in Freedmen's Hospital for twenty years. I think it was magnanimous on his part to step aside and give some younger person a chance.

Dr. PURVIS. You are very kind.

TREASURY DEPARTMENT.

TESTIMONY OF H. E. WEAVER.

H. E. WEAVER, being duly sworn, testified as follows:

The CHAIRMAN. Where do you reside?

Mr. WEAVER. I reside in Washington.

The CHAIRMAN. We shall be glad to hear any statement you wish to make in regard to the civil-service law.

Mr. WEAVER. In regard to my employment?

The CHAIRMAN. Yes.

Mr. WEAVER. I will state that I was employed in the office of the Auditor for the Post-Office Department until July 1, 1886, when under the first Cleveland Administration I was removed for the reason, as alleged by Mr. McConville, that I was an offensive partisan. He was candid enough to tell me that. I was a fourth-class clerk and assistant chief of division. I remained out until 1889, when I was reappointed, under amended Rule No. 10, during the Harrison Administration, and assigned to duty in the Supervising Architect's Office. I never was really reinstated to my original position, but I reached a third-class clerkship there, and on the 15th of August, 1894, I received notice from Secretary Carlisle that after the 31st my services would not be required. That was on the 15th of August, 1894.

All my markings and ratings were the very highest any person could get. No satisfaction was ever given to me as to the cause of removal beyond the fact that they wanted my place for a man named Brown, I believe, who got it and holds it.

The CHAIRMAN. Did you make application during that Administration to be reinstated?

Mr. WEAVER. I did in the early part of February, I think; since the election last fall. They offered me a $900 place, which I declined. I did not consider it a reinstatement.

The CHAIRMAN. Are you a soldier? Were you in the Army?

Mr. WEAVER. Yes, sir; I was. I was commissioned in the Regular Army on the 25th of June, 1861, and resigned in January, 1866.

Senator LODGE. Then you are eligible to reinstatement?

Mr. WEAVER. Yes, sir.

The CHAIRMAN. Did you bring the question of your removal before the Civil Service Commission? Did you call it to their attention?

Mr. WEAVER. Yes, sir; I called Mr. Roosevelt's attention to it. He said it would do me no good to investigate it; that, no difference what my record was, they would allege something which the Commission would have no power to investigate. I thought, as I had a good record, I would let it stay that way.

The CHAIRMAN. Do I understand you to say that Mr. Roosevelt said the Commission was powerless to secure your reinstatement whether or not you had been improperly discharged?

Mr. WEAVER. The reply was that, if he were to make inquiry, they would allege an offense or a cause against me which would militate against me, and the Commission would have no power to investigate it.

The CHAIRMAN. He said the Commission had no power to investigate a question when an issue was raised between an appointee and the Department?

Mr. WEAVER. Yes, sir; I so understood. So I thought I would let the matter drop.

The CHAIRMAN. Is there anything else you desire to say bearing on this question?

Mr. WEAVER. No; I think not. I have made a plain statement of the facts in regard to the matter.

Senator CHILTON. When were you removed the last time?

Mr. WEAVER. On the 31st of August, 1894.

Senator CHILTON. Who told you that they wanted your place for a man named Brown?

Mr. WEAVER. Nobody told me, but the fact of the matter is that Mr. Brown got it; that he had been working for it; and I imagined, and always did think and think yet, that there was a conspiracy.

Senator CHILTON. I wish to know whether they assigned that as the reason? Did they assign any reason for your discharge?

Mr. WEAVER. No, sir.

Senator CHILTON. You got your notice?

Mr. WEAVER. Yes, sir.

Senator CHILTON. And acted on it?

Mr. WEAVER. Yes, sir; I acted on it.

Senator CHILTON. Did you make any application for reinstatement until February, 1897?

Mr. WEAVER. In 1897.

Senator CHILTON. Did you make any application until that time?

Mr. WEAVER. Not until February, 1897. Of course, I went to find out why I was removed and if there was any chance to get back, and had some friends see Mr. Logan Carlisle, but it was like talking to the moon.

Senator CHILTON. Did you see Logan Carlisle yourself?

Mr. WEAVER. No, sir; I did not.

Senator CHILTON. Did you see Secretary Carlisle?

Mr. WEAVER. No, sir.

Senator CHILTON. Did you see anybody and ask the reason of your discharge?

Mr. WEAVER. Only through friends.

Senator CHILTON. So you know nothing of your own knowledge as to the reason?

Mr. WEAVER. No, sir.

Senator CHILTON. You made application in February, 1897. To whom did you make it—to the Secretary of the Treasury?

Mr. WEAVER. Yes, sir.

Senator CHILTON. You were offered a place at $900 a year?

Mr. WEAVER. Yes, sir.

Senator CHILTON. You declined that?

Mr. WEAVER. Yes, sir.

Senator CHILTON. That was before the new Administration came in?

Mr. WEAVER. Yes, sir; before the new Administration came in. I did not regard it as being a reinstatement by any means, because I would have had to fight for my promotion.

Senator CHILTON. That is a question of argument. Have you made an application for reinstatement since the new Administration came in?

Mr. WEAVER. Yes, sir.

Senator CHILTON. It has not been acted on yet?

Mr. WEAVER. No, sir; not yet.

Senator LODGE. Did you go through any civil-service examination?

Mr. WEAVER. No, sir; I was originally appointed in 1869, before the civil service, but my promotions were through civil service.

Senator LODGE. Made on examination?

Mr. WEAVER. Yes, sir; all my promotions were won by my own merit and not by political influence.

Senator CHILTON. Have you applied for Brown's place?

Mr. WEAVER. No, sir; I do not want Brown's place.

The CHAIRMAN. Is there anything else that you desire to say to the committee?

Mr. WEAVER. I think not, Senator.

Mr. PROCTER. I should like to ask one question. How was Mr. Brown appointed? Was he appointed upon certification, or was that part of the office considered classified at the time?

Mr. WEAVER. That I can not answer, for I do not know. He came in from the Register's Office.

Mr. PROCTER. Transferred?

Mr. WEAVER. Yes, sir; a transfer. The Register's Office, you know, was abolished under the Dockery law, I believe.

Mr. PROCTER. He was one of the Dockery people transferred into your office?

Mr. WEAVER. He was one of the Dockery people whom they wanted to save, and he was transferred.

VETERANS OF THE MEXICAN WAR.

TESTIMONY OF FRANCIS M. SHELL.

FRANCIS M. SHELL, being duly sworn, testified as follows:

The CHAIRMAN. Where do you reside?

Mr. SHELL. In Washington City at present, No. 21 Fifth street NE.

The CHAIRMAN. Proceed to make such a statement as you desire to submit.

Mr. SHELL. All I wish to say to the committee is this: In asking for reinstatement for myself, they call the soldier record on me, saying: "We are under the late rules of the service" (of which I see that Mr. Proctor has a copy), "which leaves out Mexican veterans." It includes only soldiers of the late rebellion and their widows. There are some of the old Mexican veterans who are active enough to do duty; but when I ask the appointment clerks for reinstatement they show me this rule, in which I am left out. I do not think any soldier would have that done. There is no difference between old soldiers of either army. They are like a band of brothers. But the moment I go to them they say: "Veterans of the Mexican war are not mentioned."

The CHAIRMAN. Have you been in the Government service?

Mr. SHELL. Yes, sir; I have been in charge of the floor of the house of representatives; I have been doorkeeper of the house of representatives of California and doorkeeper of the house of representatives of Indiana.

The CHAIRMAN. I mean here in Washington.

Mr. SHELL. Yes, sir; I was lieutenant of the watch in the Treasury. I was in the Post-Office Department in charge of building, superintending it, keeping it in good order, sanitary, etc.

The CHAIRMAN. When did you leave there? When were you discharged?

Mr. SHELL. I can not say I was discharged. During the terms of the Administration—I am a mining expert—I found a better position looking after mines, and I did not want to stay in the service. Now that I am getting old, I should like to get back to some place. I will take a watchman's place or something of that kind.

The CHAIRMAN. Your grievance is that Mexican war soldiers are not placed on the eligible list?

Mr. SHELL. They are not. They are ineligible. A number of their widows are young and active and able to do business, and they, too, are left out entirely. My wife is yet not a widow. We are going to celebrate our golden wedding on the 26th day of this month. The Mexican war veterans think they ought to be recognized in that respect.

Senator CHILTON. The substance of what you say—and I am thoroughly in accord with you—is that you want the law changed so that you will be eligible as are other ex-soldiers?

Mr. SHELL. Yes, sir.

Senator CHILTON. Without examination?

Mr. SHELL. Yes, sir.

Senator LODGE. You mean eligible to reinstatement?

Mr. SHELL. Yes, sir.

Senator CHILTON. So I understand.

Mr. SHELL. I was told in two of the Departments that I would be reinstated if it were not for that.

I am much obliged to you, gentlemen.

TREASURY DEPARTMENT.

TESTIMONY OF JAMES M. MILLER.

JAMES M. MILLER, being duly sworn, testified as follows:

The CHAIRMAN. Where do you reside?

Mr. MILLER. 814 Thirteenth street.

The CHAIRMAN. In this city?

Mr. MILLER. Yes, sir.

The CHAIRMAN. We shall be glad to hear any statement you wish to make.

Mr. MILLER. I will say that I was appointed as laborer at $660 July 1, 1878.

The CHAIRMAN. Before you proceed further I should like to ask you a question. Were you a soldier? Are you a veteran?

Mr. MILLER. Yes, sir. I am an honorably discharged soldier, having lost an arm, since the service, however. I was promoted by competitive examination to $1,000 July 1, 1879. I was promoted by examination to $1,200 February 1, 1880; promoted by examination to $1,400 January 4, 1883, and notified of my dismissal on March 24, to take effect March 31, 1894.

I was a clerk in charge of a section of a division on special work and was considered and rated as an expert in the class of work on which I was engaged.

Senator LODGE. In what Department?

Mr. MILLER. In the Treasury Department, office of the Third Auditor at that time. There were five others dismissed at the same time—all old soldiers. I received my letter of dismissal Thursday evening. On Friday forenoon I went to the Auditor's office. I stated to Mr. Blackwell, the Auditor, "I received an official letter last evening; I suppose it came in the regular channel, over your desk." He said "Yes." "Have there been any immediate charges preferred against me?" "No." "Is there anything against my conduct as a clerk or my ability or efficiency, or anything of that character?" "No, no, Captain Miller; your record is very high." I said, "I suppose it is hardly worth my while to ask why I have been dismissed. All the boys who carry empty sleeves and wear Grand Army buttons are not very kindly thought of by this Administration. I suppose we shall have to grin and bear it." He said, "I know nothing about it; it was done downstairs."

I left the Department and engaged in business as manager of a sand and gravel dredging company, until the fall of 1895, when in November I made application to the Treasury Department for reinstatement. I was informed that they were disposed to reinstate some of the men who had been dismissed. I presented the case to Logan Carlisle. He inquired into it and asked me about my dismissal. I showed him my ratings and the evidence in connection with the matter. "Well," he said, "there must have been some mistake about this. However," he said, "I will look into the case, and if it is so I will reinstate you." He put me off from day to day, and finally there was a vacancy by death in the Third Auditor's office—Charlie Gardiner—and I was told they would reinstate me to the $1,400 vacancy, resulting from filling his place. That occurred during the holidays. I waited for some time and was informed that the vacancy had been filled by the appointment of a man in the office to that vacancy.

The CHAIRMAN. Was the man who was appointed to fill the vacancy an old soldier?

Mr. MILLER. He was an old soldier, but of the Confederacy. His name is Frank J. Troup. He was appointed at $1,600 July 1, 1893, promoted to $1,800 June 24, 1895. J. C. Orr was appointed to $1,800 February 14, 1896. I wish to state in this connection that Frank J. Troup is the brother-in-law of the Auditor and J. C. Orr is his father-in-law.

I went to the Civil Service Commission yesterday. I wrote th letter asking them to please inform me whether those two men, na them, had ever been examined or certified for appointment by Commission. They informed me that they had not been, and I a them to put their answer in writing in reply to mine and let me it, and to get it off last evening if they could. They said they v try, but up to this time I have not received a reply.

The vacancy to which they expected to reinstate me was closed the appointment of Troup. That, of course, shut out my being stated. Both of these men are clerks of the fourth class, at $1,80 annum, on the rolls of the Auditor for the Interior Department, out having been examined by the Civil Service Commission eith appointment or promotion.

I wrote the Civil Service Commission in May, 1896, asking them i took cognizance of violations of the law creating them as a commi They answered me in this way:

WASHINGTON, D. C., *May 25*,

DEAR SIR: In response to your letter of May 21, I am to state that the civil- rules do not require reasons for removal to be given. It is only where remov been made for political reasons that the Commission can go behind the action Department. The initiative in making a reinstatement rests with the Depar and the Commission can only issue a certificate for reinstatement upon its re The Commission of course takes cognizance of violations of the civil-servic but unless you shall charge, with offer of proof, that your removal was for pc reasons, the Commission has no authority to take up your case. In the appe the Eleventh Report of the Commission you will find reports of investigati the Commission in removals which show the extent to which the Commissi power to act.

Very respectfully,

JOHN T. DOYLE, *Secre*

Capt. JAMES M. MILLER,
814 Thirteenth street NW., Washington, D. C.

I wish to submit for the information of the committee a little It is very short. It is the sworn testimony of the chief of the di in which I was in service in the Third Auditor's office. J. C. B chief of division, testifies:

I can freely and fully say that I always regarded him——

Meaning Mr. Miller—

as the best posted man in the particular class of work on which he was engag there was in the office. He made a study of it for several years, as I know work in the period that he was in the military division came under my imm supervision. I always had confidence in him, and I do not recollect that I ev cause to return anything to him for change. I do not recollect any instanc work was peculiar and required study of the particular kind of work, and, a a moment ago, he was the best posted man in the work of that kind who was office. He made a study of it, I know, for years.

Edward Webster, chief of section, testifies:

His work was always satisfactory to the chief of the division and to my considered him the best posted and the most reliable clerk on the class o upon which he was engaged that we had in the office.

Then I have a copy of the ratings as kept in the Departme punctuality, attendance, industry, conduct, ability, and the t showing my rating for January, February, and March.

The CHAIRMAN. Let us have those, please.

Mr. MILLER. I think I had better give them by months. Jan 1894: Punctuality, 200.

Senator CHILTON. What is the standard?

Mr. MILLER. Two hundred. Attendance, 299.62 out of a possible 300; industry, 588 out of a possible 600.

Senator CHILTON. What is the standard?

Mr. MILLER. The total general average is 2,500.

Senator CHILTON. No; I mean the standard. You said 200.

Mr. MILLER. The standard there would be 200, that is perfect, making in all the total of 2,500. Conduct, 200 out of a possible 200; ability, 1,140 out of a possible 1,200, making a total of 2,427.62, or a general average of 97.10.

For February, 1894: Punctuality, 200 out of a possible 200; attendance, 298.50 out of a possible 300; industry, 570 out of a possible 600; conduct, 200 out of a possible 200; ability, 1,140 out of a possible 1,200; total, 2,408.50 out of a possible 2,500; general average, 96.34.

March, 1894: Punctuality, 200 out of a possible 200; attendance, 300 out of a possible 300; industry, 570 out of a possible 600; conduct, 200 out of a possible 200; ability, 1,140 out of a possible 1,200; total, 2,410; general average, 96.40.

I believe that is all, gentlemen. It is a concise statement of my past life in the department, to a certain extent. I have always been considered a very efficient and accurate clerk. My work pertained to the old war records more particularly, and I had made a study of the histories of the early wars, the Revolutionary wars, and all the battles of the Revolution and the troops that participated in them; the whisky insurrection of 1794; all the battles of the war of 1812, and the troops that participated in them; then the Indian wars; the Indian wars in California in the fifties, and the Seminole Florida wars; the Mexican war; and also everything pertaining to the class of troops that were organized in the States and paid by the States prior to the muster into the United States service, which was part of our files, coming under what is known as States' Claims Division, where States were being reimbursed for expenses incurred in arming and organizing troops in the late war.

All that class of work came under my charge. The inquiries were of a miscellaneous character, emanating from the Pension Office, from societies of the Revolution, the Revolutionary Dames, and all such patriotic associations, which are endeavoring to trace genealogy and ancient history for the purpose of perpetuating it, and so on. That was the character of the work which was required of me and on which I was considered so well posted. In doing it I had charge of a section, getting out information and answering inquiries of that character all the way through.

Senator CHILTON. Have you finished your general statement?

Mr. MILLER. Yes.

Senator CHILTON. I understood you to say that Mr. Blackwell is the Third Auditor of the Department in which you applied for reinstatement. Is that correct?

Mr. MILLER. He was up to a few days ago.

Senator CHILTON. Up to a few days ago?

Mr. MILLER. Up to last Monday.

Senator CHILTON. You say Mr. Troup is his brother-in-law?

Mr. MILLER. Yes, sir.

Senator CHILTON. And Mr. Orr is his father-in-law?

Mr. MILLER. Yes, sir.

Senator CHILTON. When was Blackwell appointed?

Mr. MILLER. Blackwell was appointed in 1893.

Senator CHILTON. After the Cleveland Administration came in?

Mr. MILLER. Oh, yes.

Senator CHILTON. Did these men come in before or after that?

Mr. MILLER. After that.

Senator CHILTON. When were the civil-service regulations extended to that Department? I mean generally. I do not mean the exact date.

Mr. MILLER. I do not know the exact date of the last extension that covered everything in the Department.

Senator CHILTON. Did Troup come in there by appointment or under the civil service?

Mr. MILLER. I am not sure as to that.

Senator LODGE. That office must have been under the civil service since 1883.

Mr. MILLER. Yes, sir.

Senator CHILTON. That is what I am trying to ascertain—whether Troup and Orr came into the office by favoritism or through the civil service.

Mr. MILLER. I should call it favoritism.

Senator CHILTON. Do you know that? I want to know how they got into the Department originally, and I understand you to say you think they got the places by favoritism?

Mr. MILLER. I made an effort to ascertain from the Civil Service Commission whether they came in lawfully. I notice that the date of Troup's promotion to $1,800 was prior to Charlie Gardiner's death.

Senator CHILTON. How did these two men get into the Department originally? Do you know whether they came in through civil-service examination?

Mr. MILLER. They did not get in by civil-service examination, as the Civil Service Commission informed me yesterday.

Senator CHILTON. Do you know when they were appointed?

Mr. MILLER. I have the dates. Frank J. Troup was appointed to $1,600 July 1, 1893, and promoted to $1,800 June 24, 1895.

Senator CHILTON. When was Orr appointed?

Mr. MILLER. Orr was appointed February 14, 1896.

Senator CHILTON. First?

Mr. MILLER. Yes; at $1,800.

Senator CHILTON. How could they get in if the civil-service regulations applied to that office?

Mr. MILLER. Under the administration of the Treasury Department by Mr. Logan Carlisle, who seemed to be the one who had charge personally, it would seem that where there was a will there was a way to do anything.

Senator CHILTON. I desire to ascertain whether you know exactly on what theory they got into the Treasury Department if the regulations applied to the Department at the time they got in. State whether any excuse was given—I presume there must have been—for taking them in. Do you know anything about that yourself?

Mr. MILLER. No, sir.

Senator CHILTON. You do not know how they got in?

Mr. MILLER. No, sir; I was not in the Department at the time.

Senator CHILTON. The last one, Orr, got in after you left?

Mr. MILLER. Mr. Troup was there when I was removed, and Mr. Orr came in since.

There is another thing I should like to state in connection with this matter. After reinstatement to the office of Third Auditor had been blocked by the transfer of Mr. Troup to Mr. Gardiner's vacancy, I reported back to the appointment clerk. He suggested that if I could

get any of the Bureau officers to ask for my reinstatement it would be a very easy matter to reinstate me. I said, "It is contrary to the Department rules for any information of that kind to emanate from any office. How am I to know whether there is any vacancy. They are all strangers to me. He said, "I will help you out on that a little. There are two vacancies in the Sixth Auditor's office now. You go down and see Mr. Howard." I said, "Shall I say it is with your consent; that you sent me?" He said, "Yes."

I went down to see Auditor Howard and stated the case. I told Auditor Howard that I considered myself able to fill any desk he had in his office that I was not physically disqualified to fill. He said, "Captain Miller, I will not turn you down, on account of the loss of your arm. I think I can use you in my office. Is Nesbit a friend of yours?" I said, "I have every reason to believe he is. I do not think he is an enemy." He said, "All right. Tell him to send your name down, and I will accept you in my office."

I went back to the appointment clerk and repeated the story to him. He said, "All right, but I will have to send down two other names with yours. The Secretary has two other names that he wants to send down with yours." He told me that he had sent the names down. I called up at the appointment office every few days for about ten days. Nothing had been heard from the Sixth Auditor.

So one day I happened to see the Sixth Auditor going into the Treasury. I followed him in and went to the appointment office. I said to Mr. Nesbit, "I see the Auditor has been up here. What does he say about reinstatement?" "Well," he said, "he has kind of changed his mind. He wants able-bodied men, and he does not want anybody in his office over 45 years of age." "Ha, ha," I said, "a nice slap at the old soldier, is it not?" He said, "That is the case." I said, "That is blocked there. What else have you to suggest?" He said, "You might go over to the Second Auditor. There are a couple of vacancies over there."

I went over and saw Mr. Farrow, the Second Auditor, and made application to him. I made a statement to him in regard to my former service, and so on, and he said, "I do not see that I can hold out any inducement to you to expect to be transferred into this office." He said, "True, there are some vacancies here, but I have my drawers full of applications for transfers from the Sixth Auditor's office. They are pressed by their political friends, and I have promises out now to transfer men into this office that will take up more vacancies than I will have in the office during the rest of the Administration."

So I gave it up there, and I found that the general understanding seemed to be that Howard, the Sixth Auditor, would make calls on the Civil Service Commission for clerks for his office, and put up the money-order class as the class he wished to fill. He wanted young persons, able-bodied, with all their fingers, and so on. Then they would be there sometimes a week, sometimes a month, and would be transferred and promoted from a subordinate position at $900 to higher grades in other bureaus of the Treasury. That was done in a number of instances. Coming as it did from the Second Auditor to me, it only verified the reports and rumors we had heard outside as to the way in which things were done. So in going over the reports of the Departments you will find that there have been more transfers from the Sixth Auditor's office to other offices than from any other bureau in the Treasury Department. The Sixth Auditor took the ground that he did not want anybody over 45 years old; and he did not get them. He kept on calling. He would

get certifications, and he would keep on calling until he got such parties from the Civil Service Commission as he wished. In that way the reinstatement of old soldiers was very much curtailed and limited.

Senator CHILTON. In stating that Mr. Troop went into office July 1, 1893, do you mean that that was his original entry into Government service?

Mr. MILLER. Yes, sir.

Senator CHILTON. February 14, 1896, Orr came into office. Was that his original entry into the Government service?

Mr. MILLER. Yes, sir; that is the original entry. Neither one of them, according to the report of the Civil Service Commission, ever received an examination. I believe that is the extent of my statement.

Mr. PROCTER. You are aware that prior to the May 6 rule the Auditors had certain confidential excepted places to which they could appoint?

Mr. MILLER. My understanding of that is that there was a provision on an appropriation act which gave them that power, but I have been unable to discover that it has been continued in any subsequent appropriation act. So to-day the two fourth-class clerkships filled by these two men enter into the number of regular fourth-class clerks of the office, and of course they take the places of two fourth-class clerks who should be lawfully appointed.

TREASURY DEPARTMENT.

TESTIMONY OF CARL STIERLIN.

CARL STIERLIN, being duly sworn, testified as follows:

The CHAIRMAN. Where do you reside?

Mr. STIERLIN. In Washington City, 1711 T street NW. I was appointed right after the war. I was in the war. After we came here of course we had to settle our accounts. I was in command of the whole battery. The captain had to resign. We had to settle with the Quartermaster's Department for valuable property, horses, and ammunition. I got acquainted with General Spinner, and through the efforts of Hon. Henry T. Blow, of Missouri, I was appointed in the office of the Treasurer of the United States, and I have been in the Treasury Department ever since. July 1, 1895, I was reduced from $1,600 to $900 by Assistant Secretary of the Treasury Hamlin for the purpose of promoting a $1,400 clerk from the Sixth Auditor's office, who has occupied my place ever since, while I get $75 a month. I do the same work in the Treasurer's office that I did before I was reduced. I do it every day, because the chief clerk protested against my leaving the division. He said, "We have just enough clerks now to do the current work."

The CHAIRMAN. You say you are required to do the same class of work now?

Mr. STIERLIN. Yes; the same every day. I would complain less if I had not so much to do in the office, doing current work.

The CHAIRMAN. Give us the name of the individual who was promoted to take the place from which you were reduced.

Mr. STIERLIN. H. McGee, of Pennsylvania, Sixth Auditor's Office. If you wish to see a certificate from General Spinner, I will be glad to show it to you.

The CHAIRMAN. I will read it:

WASHINGTON, *July 20, 1875.*

Mr. Charles Stierlin was in the office of the Treasurer of the United States with me for nearly eleven years, in the meantime passing through all the grades of clerkships, from the lowest to the highest.

He earned his promotion by his integrity and close application to his official duties.

As he performed all his duties to my entire satisfaction, I take great pleasure in commending him to any persons who may need the services of a true and faithful man.

F. E. SPINNER.

You may proceed with your statement. Were any reasons assigned for reducing you?

Mr. STIERLIN. None at all. They told me in the chief clerk's office of the Treasurer's office that Mr. Hamlin came in and said, "I want to look at a list of clerks. I desire to promote a clerk from $1,400." They told him, "There is no vacancy here. They all belong to the classified service, and they are all veterans." Then he looked at it. He saw my name, Carl Stierlin. I was born in Germany, but I am a naturalized citizen of the United States. When I had been in St. Louis five years, I took out my papers, and I have them to-day. "Well," he said, "he has to do the same work for a lower salary." So after I was reduced, the next day, the 1st of July, I took some papers out of my drawer and told the chief clerk I would go. There was no other vacancy than in the agency of the National Bank Redemption. The chief clerk said, "No, no; you stay here and do your work here. You only go at the end of the month to the National Agency to get your salary. That is all." But since then I get my salary in the same office, the Treasurer's office. Of course they first had me put on the temporary roll, but then, I believe, the Treasurer protested against it. He said, "Mr. Stierlin belongs to this office, and I want him to be paid here."

The CHAIRMAN. Is there anything else you desire to state?

Mr. STIERLIN. No, sir.

The CHAIRMAN. Where did they place the gentleman who was promoted to the position you occupied?

Mr. STIERLIN. In the Treasury.

The CHAIRMAN. In the same room with you?

Mr. STIERLIN. No, sir; in the division of books and accounts. He is there to-day. I was surprised. They reduced an old soldier. The other man was never a soldier.

The CHAIRMAN. You say he was not a soldier?

Mr. STIERLIN. Oh, no; he was never a soldier. He is a young man.

The CHAIRMAN. A young man?

Mr. STIERLIN. Yes, sir.

Senator CHILTON. What is your age?

Mr. STIERLIN. I am 76 years old.

At 12 o'clock m. the subcommittee adjourned.

SATURDAY, *May 8, 1897.*

The subcommittee met at 10 o'clock a. m.

Present: Senators Pritchard (chairman), Lodge, and Chilton; also Hon. John R. Procter, president of the Civil Service Commission, and Mr. G. R. Wales, of the Commission.

INTERIOR DEPARTMENT.

The CHAIRMAN. A letter addressed to the committee by Mr. Bliss reads as follows:

DEPARTMENT OF THE INTERIOR,
Washington, May 1, 1897.

DEAR SIR: In reply to your favor of the 17th instant in behalf of the Committee on Civil Service and Retrenchment, I beg to inclose you statements from the bureau officers of this Department.

In answer to the various questions I also answer personally to the first question that civil-service rules have been promulgated in the Department of the Interior, and carefully observed.

The second question in regard to internal revenue and United States marshals does not apply to this Department, and I am not prepared to make answer.

To the third question: "Should the existing rules of the civil service be modified?" I am in favor of certain modifications or amendments. In my opinion the Commissioners of this Department, namely, the Commissioner of Lands, the Commissioner of Indian Affairs, the Commissioner of Pensions, and the Commissioner of Patents, should each have the right to appoint a private secretary or confidential clerk.

The chief clerk of this Department and the chiefs of divisions should, in my opinion, be exempt from the classified service. These officers occupy confidential relations to the Secretary, and on their briefs or recommendations he is dependent, to a large extent, for the proper conduct of his office.

I am of opinion, also, that the special agents, such as land and timber inspectors, mineral-land commissioners, and particularly the special Indian agents, or the appointment of such, should be more directly under control of the Secretary, who is responsible for their actions and who must depend upon them very largely for his knowledge of affairs in distant regions.

The grave responsibility resting upon the Secretary of the Interior for actions taken upon the recommendations of such officers makes it necessary, in my opinion, that he should have a controlling voice in their appointment. It might be practicable to form an examining board within the Department consisting, say, of the Secretary or Acting Secretary and the four Commissioners, who should make such special examination of applicants for these offices as may be judicious.

Yours, respectfully,

C. N. BLISS, *Secretary.*

Hon. J. C. PRITCHARD,
United States Senate.

I find the following inclosure from the Commissioner of Indian Affairs:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, April 24, 1897.

SIR: In connection with office letter of yesterday, reporting concerning the extent to which the civil-service law and rules have been

applied to the Indian service, and recommending that the same be continued in their present forms, with the exception of a certain modification of section 13 of rule 8, I have the honor to inform you that the positions which it has been found impracticable to fill by regular appointments from the civil-service registers within the time limit prescribed by said rule for temporary or emergency appointments are those designated as sawyer, engineer, blacksmith, general mechanic, additional farmer, teacher of industries, and shoe and harness maker.

Very respectfully,

D. M. BROWNING, *Commissioner.*

The SECRETARY OF THE INTERIOR.

The following is from the Acting Commissioner of Indian Affairs:

"DEPARTMENT OF THE INTERIOR,
"OFFICE OF INDIAN AFFAIRS,
"*Washington, April 23, 1897.*

"SIR: I have the honor to acknowledge the receipt, by your reference, of a copy of a communication from Hon. J. C. Pritchard on behalf of the Senate Committee on Civil Service and Retrenchment, requesting information as to the extent to which the civil-service rules have been applied to the Interior Department, whether the existing rules should be modified, and whether the civil-service law should be amended, continued, or repealed.

"In compliance with your request, I respectfully submit for your consideration the following report on the matters referred to so far as they relate to the Indian service:

"'To what extent have civil-service rules been promulgated in your Department?' All officers and employees in the Indian service, except inspectors, the superintendent of Indian schools, Indian agents, and mere laborers are now embraced in the classified service, and all appointments to nonexcepted places are made under civil-service rules.

"'Should the existing rules of the civil service be modified?' Section 13 of civil-service rule 8 provides that—

> Whenever there shall occur a vacancy which the public interest requires shall be immediately filled, and which can not be so filled in time to meet the emergency by certification from the eligible registers, such vacancy may, subject to the approval of the Commission, be filled by temporary appointment without examination until a regular appointment can be made. Such temporary appointment shall in no case continue longer than ninety days, and shall expire by limitation at the end of that time. No person shall serve longer than ninety days in any one year under such temporary appointment or appointments, and in any event only until a regular appointment can be made through examination and certification. Said year limitation shall begin to run in the case of any person on the date of his first such appointment. * * *

"I would respectfully recommend that the section above quoted be so modified as to abrogate that part of it limiting the time during which a vacancy may be filled by a temporary or emergency appointee to ninety days, or that some provision be made for excepting the Indian service from such limitation."

Mr. PROCTER. Would it be in order for me to put in a word right there?

Senator CHILTON. I hardly think so.

The CHAIRMAN. I think the better way would be for you to make a mental note of it and hereafter take it up when you make your statement to the committee. We shall ask every member of the Commission to make a statement, and the matters treated in all these letters can be drawn out.

Senator CHILTON. These letters will be printed.

The CHAIRMAN. Copies of the hearings will be submitted to you from time to time, and you can take up the points and answer in detail.

Mr. PROCTER. Very well.

The CHAIRMAN. The Acting Commissioner of Indian Affairs proceeds:

"Experience has shown that owing to the peculiar conditions in the Indian service there are certain positions which the Civil Service Commission, although requested to do so at the time the vacancies occurred, have been still unprepared at the expiration of three months' time to furnish certifications of eligibles from which to select persons for regular appointment. In some such cases to summarily discharge the temporary employees at the end of their ninety days would result in very serious injury to the service, as the positions would have to be left vacant, owing to the difficulty of securing other suitable persons to take them, knowing that they are likely to be discharged at any time, and can retain their positions, at best, not longer than three months. The conditions at most agencies and schools are such that there are no persons residing in the immediate vicinity who are suitable for the work required, and it is not reasonable to expect that competent persons can be found elsewhere who are willing to incur the expense incident to accepting such temporary employment."

I call especially that view to your attention, Mr. Procter.

"In view of these facts, I am of the opinion that some provision should be made for filling vacancies in the Indian service, at least, by temporary or emergency appointment, without examination, until the Civil Service Commission is prepared to certify the names of eligibles for the positions held by them and appointments can be made in the regular way under civil-service rules, without regard to the time required for securing such eligibles.

"'Should the civil-service law be amended, continued, or repealed?' With the exception of the change hereinbefore suggested, I would recommend that the civil-service law and rules be continued in their present forms.

"Very respectfully, "THOS. P. SMITH,
"*Acting Commissioner.*

"The SECRETARY OF THE INTERIOR."

The following letter is from Mr. Hermann, Commissioner of the Land Office:

GENERAL LAND OFFICE,
Washington, April 26, 1897.

SIR: In response to the inquiry addressed to me through the honorable chairman of the Senate Committee on Civil Service and Retrenchment, I have prepared the following report, which I beg respectfully to submit through you:

Answering the several inquiries in their order, I have to state—

First. Civil-service rules have been promulgated in this Bureau to the fullest extent, leaving only the Commissioner and Assistant Commissioner, with the laborers, exempt from its operations.

Second. In my opinion, deputy collectors of internal revenue and deputy United States marshals should not be included in the classified service.

Third. The existing rules of the civil service should be modified so far as the Bureaus of all the Departments are concerned, in respect to their application to chief clerks, chiefs of divisions, receiving clerks, and confidential clerks, the inspectors, and also as to all special agents

of the Departments, including mineral-land commissioners in Montana and Idaho, mine inspectors, and principal examiners of land claims and contests.

These officers sustain close confidential relations to the heads of the Departments and the Bureaus, the special agents being required to have the qualifications of detectives, which qualifications can only be tested by experience and observation and by reputation, and not by any civil-service examination.

The chiefs of divisions should be especially exempt from the classified service, because their relations are not only confidential to the Bureau head, but they constitute the last line of demarkation between the political relations of the Administration and the justly clerical or civil-service divisions of the Departments. The chief of a division is its presiding officer, and should possess the qualities essential to a presiding officer, and his general deportment should be such as to command the respect and add to the discipline of the corps. He should be selected especially as to his general fitness as such chief.

If it is assumed that the dominant party shall shape the legislation of the country in consonance with the policies which it sustains, it has a right to know that the chiefs of divisions, who first shape recommendations as they are called for through the various divisions, are in perfect sympathy with the party policies. The most important legislation in Congress emanates from the division in the form of reports on measures pending in Congress and which are usually first submitted to the heads of the Departments, and by them to the heads of Bureaus, who in turn submit to the chiefs of divisions.

The chief clerks are confidential advisers of the heads of Bureaus and Departments, and are the custodians of important secrets which involve the public interests, while at the same time they should be in the highest sense acceptable and personally agreeable to the one who must repose confidence in them.

The heads of Departments and Bureaus can well be trusted to select only such persons for the particular places named as shall have all the necessary qualifications and fitness therefor.

The heads of the Departments are allowed by the civil-service rules personal confidential clerks and secretaries, whereas the heads of Bureaus do not possess this privilege. The Commissioner's personal correspondence is opened by his clerk, and money contained in said letters to him is first received and valuable secrets affecting the interests of the service are thus revealed to him by such correspondence.

Fourth. Answering the further inquiry, "Should the civil-service law be amended, continued, or repealed?" I reply that in my opinion it should be amended, but not repealed as a whole. Amendments would bring the system more within the true intent of civil-service reform, and would strengthen and not impair it.

I have the honor to be, very respectfully, yours,

BINGER HERMANN, *Commissioner.*

The SECRETARY OF THE INTERIOR.

The next inclosure is from Mr. Harris, Commissioner of Education, and is as follows:

DEPARTMENT OF THE INTERIOR,
BUREAU OF EDUCATION,
Washington, D. C., April 20, 1897.

SIR: I have the honor to acknowledge, by reference from you, a letter from the Hon. J. C. Pritchard, of the United States Senate, in behalf

of the Committee on Civil Service and Retrenchment, submitting a series of inquiries regarding the civil service and requesting an immediate report upon the matter of said letter.

In reply to the first question, as to what extent the civil-service rules have been promulgated in this Bureau, I would say that all rules adopted by the Civil Service Commission, and approved by the honorable the Secretary of the Interior, have been enforced in this Bureau.

The second question, relating to collectors of internal revenue and the United States marshals, I pass with the remark that the question of adding any class of officials to the list under civil service can not be settled properly without due consideration of the progress made in the adoption of the civil-service system in other branches of the Department service nearly related to it. Collectors of internal revenue, for example, belong to the Treasury Department, and the question of the regulation of their appointment by civil service should be determined by the present status of civil service in that Department.

In reply to the third question, "Should the existing rules of the civil service be modified?" it seems to me that the existing law of Congress in regard to civil service does not need any amendment, because it already gives to the President, and through him to the Civil Service Commission, sufficient power to develop a perfect system. The proper cooperation of the Civil Service Commission with the heads of the several Departments is necessary in order to adopt an efficient system of examinations providing for the varied wants of the Bureaus in the several Departments. The civil service has thus far provided for the needs by general examinations, and has been making progress toward perfecting a system of special examinations and rules of promotion. It requires much time and patience and a persistent policy of cooperation between the Civil Service Commission and Bureaus of the several Departments to determine the best forms of special examinations and rules of promotion, such as will realize in the best manner the object of the law, namely, the appointment to public office of the fittest candidates, and promotion on the ground of faithful service and acquired skill without partisan favor.

The necessary evil of the first application of civil service is the promoting of officials on the basis of mere length of service or mere mechanical skill. The progress of civil service from year to year consists in the introduction of other tests than length of time and mechanical perfection in lower grades of work. It becomes finally possible to select for promotion those who have shown capacity for greater mental combinations and for ability to lay out and direct a higher order of work.

In reply to the fourth question, I think that the civil-service law should be continued as it is and not repealed.

I have the honor to be, very respectfully, your obedient servant,

W. T. HARRIS, *Commissioner.*

The SECRETARY OF THE INTERIOR.

Here is a letter from Mr. Evans, Commissioner of Pensions:

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, April 30, 1897.

DEAR SIR: I have the honor to request that the following positions be excepted from the classified service, viz: The chief clerk, the appoint-

ment clerk, the private secretary, the chiefs of divisions, the special examiners, the physicians composing the medical examining boards.

These positions should be under the control of the Commissioner in order to insure harmonious and effective organization.

Your obedient servant,

H. CLAY EVANS, *Commissioner.*

Hon. CORNELIUS BLISS,
Secretary of the Interior.

The following letter is from Mr. Walcott, Director of the Geological Survey:

DEPARTMENT OF THE INTERIOR,
UNITED STATES GEOLOGICAL SURVEY,
Washington, D. C., April 21, 1897.

SIR: I have the honor to acknowledge the receipt, by Department reference, of a copy of a communication addressed to the Department by Hon. J. C. Pritchard, requesting certain information as to the history and workings of the civil-service act and rules as affecting the Department, and I beg leave to make the following report on the part of the Bureau under my charge:

The civil-service rules now cover all the classes and grades in the Survey except the places of temporary field assistants and those places which have been generally exempted throughout the civil service by specific act, such as laborers and workmen. The several groups of assistants engaged in scientific and technical duties were placed under the rules, one or two groups at a time, as experience seemed to warrant or dictate, the transfer in almost every case having been made on the recommendation of the Director. Topographers and assistant topographers were put under the rules and classified for examination about thirteen years ago; then followed the draftsmen, the engravers and printers, the photographers, and so on, the geologists and other strictly scientific assistants having been classified at a comparatively recent date.

In my experience and observation, the civil-service rules have been efficient and satisfactory, and there is no modification that I would suggest.

It is my judgment also that the civil-service act should be continued.

I am, with respect,

CHAS. D. WALCOTT, *Director.*

The SECRETARY OF THE INTERIOR.

The following is from the Superintendent of the Government Hospital for the Insane:

GOVERNMENT HOSPITAL FOR THE INSANE,
Washington, D. C., April 24, 1897.

SIR: I have the honor to acknowledge the receipt of a communication addressed to you from Hon. J. C. Pritchard, which was referred to me under date of April 20, 1897, and in reply to the questions contained therein I have to state that—

The civil-service rules have been enforced in all the departments in the Government Hospital for the Insane since October 31, 1896.

Collectors and United States marshals do not come under the jurisdiction of this hospital.

My limited experience in the practical working of these rules does not justify me in giving an opinion.

I think the civil-service law should be continued and amended. as far as it seems best for the benefit of the public service.

Very respectfully,

W. W. GODDING, *Superintendent.*

Hon. CORNELIUS N. BLISS,
Secretary of the Interior, Washington, D. C.

The following is from General Hampton:

DEPARTMENT OF THE INTERIOR,
OFFICE OF COMMISSIONER OF RAILROADS,
Washington, D. C., April 23, 1897.

MY DEAR SIR: In reply to your questions, asked by Senator Pritchard, I submit the following answers:

First. In my office there are a chief bookkeeper, an assistant bookkeeper, a private secretary, a lady stenographer and typewriter, and a colored messenger, all under the civil-service rules.

Second. I think that collectors of internal revenue and United States marshals should be included in the classified service.

Third and fourth. I think that the civil service should be continued, but that it could be properly amended in some particulars and should be properly and honestly administered.

I am, very respectfully and truly, yours,

WADE HAMPTON.

Hon. C. N. BLISS.

TREASURY DEPARTMENT.

TESTIMONY OF THOMAS ROBINSON.

THOMAS ROBINSON, being duly sworn, testified as follows:

The CHAIRMAN. If you wish to make a statement to the committee relative to the operation of the civil-service law, we shall be glad to hear what you have to say.

Mr. ROBINSON. Do you wish the statement to be just a personal one? I would prefer simply to give my own immediate history, so to speak, if that is what you wish.

The CHAIRMAN. In response to your inquiry I will say that you can speak only of such matters as have come under your own personal observation. You are testifying under oath, and only such testimony would be competent.

Senator CHILTON. Your testimony should be given just as though you were a witness in court.

Mr. ROBINSON. The question, however, is, who is the party that is being tried.

The CHAIRMAN. I understand that you desire to testify before this committee. You can testify while on the stand only as to such matters as have come within your own knowledge or observation.

Mr. ROBINSON. I understand. I wish to state, however, that it was not of my own volition that I came here.

I was appointed through the then civil service in 1873, by competitive examination, to a $1,200 position in the Treasury Department. I was appointed in the Second Comptroller's Office, and detailed for work in the Second Auditor's Office, where, for six months, I was employed on what was known as the Butler bill; that is to say, searching out the

claims that were in favor of missing soldiers, in order that the accounts might be transferred for the use of the Soldiers' Homes. When Congress met in December following, a large reduction in the force was made.

Senator CHILTON. What year was that? I do not know that I caught it very clearly.

Mr. ROBINSON. It was in December, 1873. It was during Grant's second Administration. In view of the fact that I was detailed in the Second Auditor's Office from the Second Comptroller's Office, where I had not worked, of course between the two stools I fell to the ground. But they reinstated me in the First Comptroller's Office, in the Treasury Department, at the same salary, within a very few weeks, where, within a very few days—they having an examination throughout the office for promotions—I was promoted to a second-class clerkship by competitive examination. That was in 1874.

The CHAIRMAN. Can you not get down nearer to the present time?

Mr. ROBINSON. It will not take me long, sir.

The CHAIRMAN. All right; I beg your pardon for interrupting you.

Mr. ROBINSON. Five years afterwards, by competitive examination, I was made a $1,600 clerk, and some years after that, about 1890, by examination, I was made an $1,800 clerk. This position I held until August, 1893, when I received notice from the Secretary of the Treasury that my services were no longer required. As I could not learn that there were any charges against me, I asked the privilege of resigning. They gave me that privilege, which showed that there were no charges against me. I resigned.

The reason why I was discharged was one of long standing. It was because I had printed the only Republican newspaper that was published in the entire State of Georgia during Grant's second Presidential campaign. My friends the enemy in Georgia followed me throughout, and when I left the Treasury Department telegraphic dispatches were sent from here down there with the ordinary scareheads rejoicing that they had finally secured my dismissal. I was informed confidentially during the first Cleveland Administration that an effort was being made, or had been made, against me.

The CHAIRMAN. I suggest to you that testimony of that character is not competent.

Mr. ROBINSON. I am not going to give the information.

The CHAIRMAN. That is exactly the reason why it is incompetent.

Mr. ROBINSON. Do I understand you to say that what I am here to state is incompetent?

The CHAIRMAN. No; I mean that you can not testify in that way. If you can state the party who made the statement to you, some official in the Department, then it would be perfectly competent and legitimate, otherwise it would not be admissible. You can not state that you received a confidential communication without saying from whom you had the information.

Mr. ROBINSON. Permit me, then, to phrase it in this way: Believing that an effort was being made against me, I went to the then First Comptroller and asked him the question. He said, "Dr. Robinson, when I first came here you introduced yourself to me as a Republican, for which I admired your manhood, and told you that so long as you did your duty in the office you would not be disturbed." That was Comptroller Durham.

When I went to see him he said, "Doctor, I have not troubled you, but if you wish to know, I will say that the Governor of Georgia and

one of the Senators and some others were here to try to have you removed on the ground of your having published a radical newspaper in Georgia. Having heard what they had to say, I asked them this question: 'How long is it since Dr. Robinson printed that paper? As I understand it, he has been here in the Treasury Department for half a generation or more.' One of them said, 'Then you wish me to go to the Secretary, do you?'" The Comptroller said, "I have no instructions to give." He then said to me, "I have heard no more about it. I have not disturbed you. Such charges go in at one ear and out the other. You go back to your desk; you will not be disturbed while I am here." That was in the first Cleveland Administration. After I was out, the efforts made to get me out at that time redounded to the benefit of those who tried to get me out. I have made no effort for reinstatement, for the reason that the same parties that had it in their power to get me out were until very recently still in, and some of them are yet in. I, however, believe in the civil-service law.

The CHAIRMAN. Pardon me for interrupting you, but are you on the eligible list for reappointment; that is, are you an ex-soldier?

Mr. ROBINSON. I was a contract nurse and was honorably discharged from that service, but I believe that the Civil Service Commission——

The CHAIRMAN. Then you will not be on the eligible list?

Mr. ROBINSON. I do not know.

The CHAIRMAN. You have only a discharge as a contract nurse, I believe you said?

Mr. ROBINSON. Yes, sir.

Senator CHILTON. In whose Department were you when you were discharged?

Mr. ROBINSON. In the office of the First Comptroller of the Treasury Department.

Senator CHILTON. Who discharged you? Who actually gave you the order of discharge?

Mr. ROBINSON. The then Secretary of the Treasury, Secretary Carlisle.

Senator CHILTON. Did you ever hear him say anything about the reasons for your discharge?

Mr. ROBINSON. I asked him if there were any reasons, and he said it was for the good of the service.

Senator CHILTON. Did you ask the party who was your immediate superior—the man who discharged you—what the reasons were for your discharge?

Mr. ROBINSON. A few days before I was discharged he took his leave and was gone several weeks. I have not seen him since.

Senator CHILTON. Then the only one of your superiors with whom you conversed about your discharge was the Secretary of the Treasury?

Mr. ROBINSON. Yes, sir.

POST-OFFICE DEPARTMENT.

TESTIMONY OF WILLIAM W. HILL.

WILLIAM W. HILL, being duly sworn, testified as follows:

The CHAIRMAN. We shall be glad to hear anything you have to say in regard to the operation of the civil-service law.

Mr. HILL. Mr. Chairman, my charge is principally directed at the Civil Service Commission, and is to the effect that there was an apparent

collusion between the Commission and the Post-Office Department, whereby they permitted certain violations of the civil-service law.

The CHAIRMAN. To begin with, I think it would be best to state the position you occupy, if you now occupy any position, or what position you have occupied in the service of the Government.

Mr. HILL. I will do so. I entered the service in 1889 in the Washington City post-office, and I remained therein until 1891, when I was transferred by recommendation of the city postmaster, Mr. Sherwood, to the Post-Office Department, at $900.

The CHAIRMAN. Do you occupy that position now?

Mr. HILL. No, sir; I am out of the service. I remained in the Post-Office Department until about September, 1893. I was then promoted to $1,000 and within a few days thereafter I was promoted to the position of assistant superintendent of the free-delivery division, a place beyond the classified rules.

The CHAIRMAN. At what date was that promotion made?

Mr. HILL. That promotion was made on the 15th of September, 1893. I have no ax to grind. I do not seek any reinstatement whatever. I was promoted simply because I was estimated to be the best clerk in the free-delivery division and partly because I was a lawyer, and it was the intention for me to take up the consideration of the claims of letter carriers for overtime services, and I was afterwards commissioned on that account as a commissioner of the United States Court of Claims. One of the clerks in the Post-Office Department, Mr. Sullivan, a very intelligent mathematician from the Boston post-office, was detailed to go around the country with me and investigate such claims. I was, subsequent to January 5 or 6, nearly always away from the Post-Office Department. I was in every city of size and consequence east of the Mississippi River continuously almost in pursuance of these investigations.

Things went along as usual in the Department, so far as I knew. I came back occasionally. When, about October, 1893, or somewhat subsequently, they began to appoint an irregular and unauthorized lot of employees called spies, or agents, as the Department denominated them, to go about in the country as post-office inspectors and investigate the service and report to the Department, their employment was predicated upon the assumption that overtime in like degree as had been made by the letter carriers continued to be made, which was another very false assumption, as I shall show hereafter. Anyway, this force of unlawful employees was gradually extended and increased from 4 originally up to 59—nearly one-seventh of the entire remaining force of the Post-Office Department.

Now, the Civil Service Commission, in a letter signed by Mr. Procter, disclaimed to me about September 23, 1895, any jurisdiction in the matter of the unlawful employment of these secret agents. However, it was stated by Mr. Machen, the Superintendent of Free Delivery, in a so-called investigation that was had before the subcommittee of the Post-Office Committee of the House of Representatives, that Mr. Roosevelt was consulted about the employment of these men and gave his assent to their employment. I do not believe Mr. Roosevelt ever said anything of the kind to Mr. Machen, but if he did, of course the committee can form its own opinion as to whether he transcended his authority or not in giving such permission. I simply state that just to show the variance between Mr. Procter's statement to me in a letter, which I will submit to the committee, and Mr. Machen's statement as to what Mr. Roosevelt authorized him to do.

Senator LODGE. When were the inspectors you speak of first appointed?

Mr. HILL. They began to be appointed in the fall of 1894. I believe I said awhile ago the fall of 1893; but it was in the fall of 1894—about October. They commenced with a force of 3, which was increased right along up to 59. Now, there is no doubt in the world that the Commission had full cognizance of the existence of this force and full cognizance that there was no law, either direct of implied, which in any way authorized the employment of these men. If the committee will allow me——

Senator CHILTON. That is argumentative. Try not to be so argumentative. We want testimony, if you please.

Mr. HILL. I was going to say that if the committee will allow me I wish to indicate the character of these men, their ages, etc.

The CHAIRMAN. We shall be glad to hear you on that point, but confine yourself to facts coming within your own knowledge.

Mr. HILL. Yes, sir; these things came within my knowledge. I knew these men personally. They were men who did not rise to the dignity of pothouse politicians. They were in many cases mere boys. In two instances at least they were men who had been charged with embezzlement. Two of them were brothers of the present superintendent of the free-delivery system, Mr. Machen, one of those being a man who was suffering under the charge of embezzlement in Toledo, Ohio, just previously to his appointment. Another man was one who had been discharged from the Washington City letter-carrier force because he was charged with embezzling some of the trust funds of the Letter-Carriers' Association here in Washington. I believe that fact was known when he was appointed, and the fact of Mr. Machen's brother's disqualification was well known, of course.

These men were paid at the rate of $4 a day and their expenses provided for out of the incidental fund of the free-delivery system, which was an appropriation for the purchase of letter boxes and such matters as pertain to that service of the Post-Office Department. It was utterly deflected from its proper source.

Upon the 1st of July, 1895, without any solicitation whatever from these men who were so employed, their pay was raised to $5 a day. The pay of one of them was at first $6 a day, and he was designated the chief. His pay was raised some time afterwards to $8 a day. Here is a tabulation which shows his rate of pay from July to October, 1895. It shows that in the month of October his average daily pay was $17.75 per day. There is a tabulated statement [exhibiting]. and the records of the Department will show its correctness.

Senator CHILTON. What was his name?

Mr. HILL. William M. Bellmann. This man Bellmann was brought from Toledo; he was placed in the Department; he was given a desk there in the free-delivery division; the clerks in that division were made subject to him; they were required to obey him; a typewriter was detailed for his special use, and he drew his pay and expenses when resident in the city of Washington, Sundays included, and he, as well as all of the rest of these agents, were allowed twenty days' vacation a year, without any law whatever for it, it being a per diem employment.

The employment of these agents progressed in that way and at that increased rate to July 1, 1895. At the beginning of their employment the Sixth Auditor made violent objection to the passing of the accounts pertaining to the pay and expenses of these men.

Senator CHILTON. Give the name of the Sixth Auditor.
Mr. HILL. Sixth Auditor Howard. I never knew how Mr. Howard came reconciled to these accounts, but I do know that he was sucsively patronized by being allowed to nominate in the succeeding arters, commencing with his first objection, one of these agents at beginning of each quarter thereafter, who was appointed. I say I not attach any significance much to that.
Now, as to the employment of these agents, gentlemen, I happen to ow, from personal observation, that in the Congressional campaign New York City, in the fall of 1894, six of these men were detailed—nply detailed—to do campaign work, in seeking to influence the vote the carriers there, in the Fourteenth Congressional district.
Senator CHILTON. I wish you would give their names, please.
Mr. HILL. I do not recollect at present. I have not the names with . I can ascertain and furnish the committee with the names hereer, if desired.
The CHAIRMAN. You say they were detailed to go there and work in campaign?
Mr. HILL. Yes, sir; to go there. It was supposed that there were a eat number of carriers located in the Fourteenth Congressional district New York City, and that those carriers could be in a greater degree luenced by these men than any other class of men, because the carrs all over the country were in mortal terror of these men, as they d a right to be. They were followed from pillar to post, and from ery point on their districts; and every delinquency, whether it was rposely a delinquency or not, was strictly reported and became a rt of the record of that man in the Post-Office Department. The st carrier on earth had presently a record piled up against him there ich was sufficient to dismiss him on short notice, or when they got dy to do it.
In the appointment of these men I desire to say that General Jones, First Assistant Postmaster-General, evaded signing the appointnts, and delegated the whole duty of such appointments to Mr. mar, his private secretary. I do not think the committee would be le to find a single appointment that was made above Mr. Jones's nature. I have a sample of one of the appointments here, dated ne 25, 1895:

STMASTER, *Springfield, Ill.:*

Mr. John Underwood has this day been appointed a secret agent for is Department, from July 1, 1895, to June 30, 1896. He will be paid rough your office at the rate of $5 per day for three hundred and rteen days in the year. When on duty away from headquarters his tual expenses will be paid.

Very respectfully, W. H. LAMAR,
Acting First Assistant Postmaster-General.

None of these were ever signed, so far as I know and believe, either the First Assistant or by the Postmaster-General.
The CHAIRMAN. You say Mr. Lamar was the private secretary of First Assistant Postmaster-General?
Mr. HILL. Yes, sir.
Senator CHILTON. He was the chief clerk?
Mr. HILL. Yes, sir; he was the chief clerk. I believe that was his le at the first assistant's office, and he acted ordinarily in Mr. Jones's ce when he was away.

I have the reports of the First Assistant Postmaster-General in which the assumption is made that the employment of these men is predicated upon the discontinuance of overtime, or the obviation of overtime, but I do not suppose that comes within the purview of this inquiry. It was not so, however, whether it was made or not.

There is in the same report an animadversion upon Mr. Wanamaker's administration for not stopping the overtime, whereas, in point of fact, the overtime had absolutely and practically ceased at the end of Mr. Wanamaker's administration and by Mr. Wanamaker's order. The pretense was simply laid hold of for the employment of these men that that overtime was continuing in the same ratio, whereas, from my position as commissioner of the court and directly engaged in the settlement of those claims, I know it had practically discontinued after the 30th of April, 1893.

At the end of the first year of the employment of these spies, their expenses and salaries amounted to the sum of $82,000.

The CHAIRMAN. Has that practice been discontinued. or are they now employed?

Mr. HILL. No, sir; they are not now employed. They sought to have that matter indorsed by the Fifty-fourth Congress, but Congress, in the proceedings upon the Post-Office appropriation bill, in March, 1896, very distinctly ended up the whole matter. They continued it, however, until the 1st of July of last year, when it was denounced in Congress as an unauthorized employment of these men. The committee, of course, did not hear us to any extent and were not able to form an opinion, but we made plain to individual Members of the House the character of these men, their employment, etc., and the Senate interposed a restrictive clause in the Post-Office appropriation bill expressly prohibiting the employment of such men. The amount of the incidental appropriation appropriated by the last Congress (the Fifty-fourth Congress) was $14,000, as against about $225,000, I think, for the preceding necessary alleged incidental expense account for the free-delivery system. There was that difference.

We come next to the matter of the Philadelphia post-office, which, I think, is the fairest sample of these alleged violations of the civil-service law particularly. The Philadelphia office had been making constant applications for an increase of the carrier force, and several inspectors had made reports. I had been sent over there for the same purpose, and made a report recommending an increase. The service there was obviously insufficient for the territory embraced in the free-delivery limits. But the Department did not seem disposed to grant the increase at all. However, all at once, without any other reasons, they did grant an increase on the 15th of October, or about then, of 80 carriers.

Senator CHILTON. In what year?

Mr. HILL. In 1894. In a few months after that they considered that that increase had been abnormal. In the meantime these agents had been there. Now, the truth of the matter is that the agents' investigations in Philadelphia did not develop anything showing whereby this increased force was not justified, but it was simply a pretext to increase the force and then afford an opportunity to decrease it so as to get certain men out of that carrier force. That was the object of the increase.

Therefore, in a few months thereafter, there were 78 carriers taken from the force at $1,000 and 22 at $800, and in the reduction, not the men who were put in as additional force a month or two were taken away from it, but old men, old soldiers, and almost universally Republicans. That was probably with the knowledge of the Civil Service

Commission, though I do not allege that at all. I do not know that they knew anything about the composition of the force there and how this reduction was effected. I know that the rule of the Department was at that time, and probably still is, that when a reduction of force is decided upon the postmaster is allowed to recommend either for removal or to be put upon the substitute list, which is a list of men who are paid at the rate of $1 per year for their incidental expenses, which is a nominal salary to designate them as United States officers. They give bond the same as a letter carrier. Very recently, upon application of some of the gentlemen in Congress from Philadelphia, some have been reinstated, and the superintendent, I understand, admits that he made a great mistake in the character of the removals.

Senator LODGE. Do I understand you to say that they added 80 men and then shortly afterwards removed 100?

Mr. HILL. Yes, sir; they added 80 in October, 1894—I think that is the correct date—and very shortly after that they removed 78 at $1,000 and 22 at $800. They did not remove any $600 carriers.

Senator LODGE. They removed 100, you say?

Mr. HILL. Yes, sir; that is, they reduced the force, making the net reduction of the force 20 from what it was originally.

Senator LODGE. After having increased the force 80?

Mr. HILL. Yes; and the net reduction in all was 20.

About that time it began to be a very serious matter how there was to be a fund sufficiently maintained for the payment of these spies. In this reduction it was deemed that the $1,000 men and the $800 men were much less capable than the $600 men, and therefore none of the $600 men were removed, but the removals were made in regard to those in the upper and higher grades, who had all the experience attaching to their position. Necessarily they had to be there three years to attain to the $1,000 grade.

Now, we come down to October, 1895, and, as a preface to that, I want to tell the committee how these men were paid. The postmasters at that time were ordered to send their money to the Post-Office Department, in currency, addressed individually to these spies, care of the Post-Office Department, by express. As soon as the money was received the envelopes were instantly opened, a portion of the money taken from the envelopes by this man Bellmann, sent to the Ohio National Bank, and deposited there to the credit of this man Bellmann.

Senator CHILTON. How is that? Let us have that statement again.

Mr. HILL. I say that the money—the salaries of these post office spies or agents, or whatever they may be designated—was transmitted to the Post-Office Department by the postmasters, pursuant to instructions, in currency, in envelopes, by express, and upon the arrival of the currency at the Department it was opened by Mr. Bellmann, this chief spy, the money abstracted from the envelopes, and a portion at least of the money was sent by Wallace McGregor, the page or messenger in the room there, and deposited to Mr. Bellmann's credit in the Ohio National Bank.

Senator CHILTON. In this city?

Mr. HILL. Yes, sir. He was seen by employees. I was not in the Department at the time. I was in the service, but not in the Department. But the envelopes were all there; the room was scattered with them; it was full of them; and the causes of the dismissal of some of the other clerks that I will speak of in a few minutes was due to the very fact that they informed me of this proceeding when I came back to Washington, to the Department.

Just at that time the Ohio campaign was in full swing, and they

apparently did not desire to make any secret of the affair that they intended to assess these men for political purposes, and, in order, I presume, that they could assess them more if they were receiving $5 a a day, they raised their pay from $4 to $5 in July preceding the campaign.

The CHAIRMAN. How was that? Please repeat that statement.

Mr. HILL. I say they apparently made no secret of their intention in the fact of assessing these men for political campaign purposes, and it is my conviction that they raised their pay in July preceding to $5 a day in order to furnish more latitude for such assessments. The man at $5 a day could pay more than the man at $4. So, therefore, they did assess these men. But there seemed to be some misunderstanding among the men assessed as to the amount of the assessment. Therefore there came a letter of protest from one of the men. This letter indicates a previous letter of protest or previous neglect to contribute or comply as promptly with the assessment as they thought he should do.

The CHAIRMAN. Read the letter. Let us see what it is.

Mr. HILL. This letter is from Mr. Joseph M. Gardenhier, who was a protégé of the Sixth Auditor, Mr. Howard.

The CHAIRMAN. Well, read the letter, please.

Mr. HILL. It is addressed to Mr. Bellmann, and is as follows:

MONMOUTH, ILL., *October 31, 1895.*

DEAR SIR: Your telegram of the 28th instant, stating that money had been forwarded, came duly to hand. To-day I received the package and money. I regret that you saw fit to mildly reprimand me for my action in regard to the money, as I was intending to carry out your orders to the letter. Before I knew I was expected to contribute to the Ohio campaign fund I had made an investment at home, which required all my spare money. This, together with its being held, made my funds run low.

I note what you say in your letter of October 23, and will hereafter in all cases forward receipts to you for my salary the same as done to-day.

I send you note from Mr. Grieser, which explains itself; also final report for the Monmouth office. I will proceed to Aurora.

Respectfully,

JOE M. GARDENHIER.

W. M. BELLMAN, Esq.,
Washington, D. C.

Upon that letter I desire to say, what is within my actual knowledge, that when I was in Chicago just previous to the date of this letter there was a meeting of the secret agents, who were then massed in that city, for the purpose of letting them all understand about this assessment, so that there would be no misunderstanding.

Senator LODGE. This was in 1894?

Mr. HILL. 1895.

Senator CHILTON. What time in 1895?

Mr. HILL. October 31.

The CHAIRMAN. These agents were massed in the city of Chicago at that time?

Mr. HILL. Yes, sir; they had been previous to this date.

The CHAIRMAN. Proceed. State what occurred.

Mr. HILL. They had a meeting. Mr. Machen, the superintendent, came out to Chicago and they had a meeting, and some of the men

were unaccountably absent from the meeting, and did not afterwards gain sufficient knowledge or get information as to how these assessments were to be made, or in what amount, etc. Therefore this letter is from one of those who was absent. I know he was absent at the time and did not understand about it, and therefore he discloses the whole matter by his protest, simply because he did not know what the plan was. He was not in it.

There were two others who unfortunately were drunk at the time and were not there, but they were informed. These men were arrested in all portions of the country, in disorderly houses. I was frequently in the same cities with them, and I heard it; I saw it in papers, etc. They represented themselves as post-office inspectors. They associated with a very low order of people, and were arrested for disorderly conduct, and for other reasons.

Senator LODGE. Are you still in the postal service?

Mr. HILL. No, sir.

Mr. PROCTER. Do you mean at this time?

Senator LODGE. I desire to know if the witness was in the Post-Office Department at that time—the time to which he refers?

Mr. PROCTER. He did not understand the question.

Mr. HILL. Yes, sir; and I was also connected with the Court of Claims; the Department of Justice.

When I returned to the Department shortly prior to the date of this letter of Mr. Gardenhier, Mr. Sullivan, the clerk who had been transferred from the Boston office and who traveled with me frequently before that, told me about this letter. Mr. Machen was not there. He told me about the abstraction of money from envelopes and all these other irregular matters that were going on there, and as a plain matter of duty I went to the First Assistant Postmaster-General and told him. I do not believe, indeed, that I carried any information to him, but I did what I thought it was my duty—to inform him, as I thought, of the matter.

Senator LODGE. Just here, as to the money which was sent in the envelopes to Mr. Bellman, and of which he took a portion and put it in the Ohio National Bank, are we to understand that it was for these political assessments?

Mr. HILL. I was not let into any such matters as that. I was not in the confidence either of Mr. Bellman or of Mr. Machen after a certain time. I never was in Mr. Bellman's confidence. I was in Mr. Machen's confidence for a certain time, but he got this man Bellman in there and represented him to the people who came there—Representatives in Congress and otherwise—as assistant superintendent of the division. He simply usurped my place in my absence, although I held the office. But I never was, on that account, in confidence with him.

Senator LODGE. You do not know what the money that was taken out and deposited in the Ohio National Bank was for?

Mr. HILL. I do not know. I know a portion of it was taken out, and I heard afterwards—I was told when I came back, both by Mr. Beight, one of the men who was removed at the same time, and Mr. Sullivan, to whom I have referred heretofore—that this money was sent up there daily to the bank and deposited to Mr. Bellman's credit by this messenger.

Senator CHILTON. Give the initials of Sullivan and the other man.

Mr. HILL. William A. Sullivan.

Senator CHILTON. What is the other man's name?

Mr. HILL. Samuel Beight.

Prior to that time these communications from the agents had been

addressed to one of the young lady stenographers; in fact, the stenographer specially detailed for the use of the superintendent. They were addressed to her altogether. They were not addressed officially.

Senator CHILTON. To what communications do you refer—communications from these people?

Mr. HILL. These official communications from the agents had, previous to this money transaction, been addressed to one of the young lady stenographers in the free-delivery division and opened by her. The purpose of that was to conceal the character of the communications. They did not want anybody to know that they were from the agents at all, because they thought it would impair the usefulness of the agents even to have it known that they were in existence. They were trying to keep the whole matter secret.

Senator CHILTON. Do you mean that these communications were opened by Bellman or that the communications addressed to Bellman were opened by him? I do not catch that very clearly.

Mr. HILL. You confuse the two parties. When a postmaster was instructed to send the actual currency to the Department——

Senator CHILTON. It was taken to Bellman himself?

Mr. HILL. It was addressed to the agent.

Senator CHILTON. To the agent?

Mr. HILL. Yes, sir; and without reference to whose name was on the envelope, Mr. Bellman simply opened it.

Senator CHILTON. I see. I want to get that point right.

Mr. HILL. It was not by mail, however; it was by express. Previously they had been sent by mail. The reports had been sent by mail, addressed to this young lady, and she herself, by the way, had one of the agents appointed.

The CHAIRMAN. Please give us the name of the young lady.

Mr. HILL. Miss Anna S. Leibhardt.

Now, if the gentlemen have no further questions, I will proceed. I went to General Jones and told him about these things; and also told him from, what I could see, that Mr. Bellman, in conjunction with Mr. Machen, was simply bringing his administration into disrepute; that I was gratified at my advancement under him to the position I had, and that I thought from what I had heard throughout the country, the temper of the people and postmasters, etc., that if there was not an end to the spy system and the abuses incident to it, and the unlawful employment and assumption of Mr. Bellman, his administration would be seriously impaired and compromised in Congress and everywhere else. Instead of being at all thankful for that, Mr. Jones cautioned me to keep my mouth shut. I presume it would have been much better for me to have done so.

Mr. Jones asked me the source of my information concerning these things. I showed him the autograph letter from Mr. Gardenhier. He said he did not think so much of that, because he supposed Mr. Machen was anxious to help his friend Mr. Campbell out in the Ohio campaign. He said that was natural enough, though there was a better way to do these things, he thought. But still he took no action about it, so far as I knew, except that he called up Mr. Sullivan, the man who had told me about it, and said at first he would certainly remove him. I said, "If Mr. Sullivan goes out of here for the offense of informing me, his superior officer, of an iniquity in this division, I go at the same time. I stand upon that issue squarely." In lieu of dismissal, he transferred Mr. Sullivan to the Dead-Letter Office, which was punishment in itself—a very great one—in the Post-Office Department.

Now, they began to be warmed up, etc., and I found that Mr. Beight, who was a Republican clerk, an old soldier, in the same division, the best clerk in it (here is a sample of his handwriting in the tabulation; he had charge of all the finances and the tabulations pertaining to the division, of which there was a very large amount), was going to make a disclosure of this thing if I did not. I got no encouragement. I got rebuff from the First Assistant Postmaster-General, and was as much as told that I had transcended my authority. Then I decided that somebody ought to know this thing; that Congress ought to know it; and in company with Mr. Beight I went to see a Representative in Congress and disclosed the whole matter to him.

From the time that I informed Mr. Jones of this transaction and my knowledge of these political assessments there was another species of spies. I do not know whether they were post-office inspectors, or whether or not they were created for that purpose, but they were another species of spies and stood in front of my house on F street, in front of Mr. Sullivan's boarding house, and in front of Mr. Beight's house. They were paid by the Department for that purpose, and did nothing else but watch us, day and night. They reported every movement, no matter how minute—my movements especially, in New York City and everywhere else.

Senator CHILTON. I wish you would give us the names of those spies.

Mr. HILL. I do not know them. I do not know who they were. I simply saw them, one or two of them, in the last interview I had with Mr. Jones.

I still continued to be——

Senator CHILTON. In the final interview with Mr. Jones you saw one or two of those spies who had watched your house?

Mr. HILL. Yes, sir; I saw them afterwards. I recognized them as the same men I had seen hanging on my heels in New York City, on the cars, and everywhere else.

Senator CHILTON. Where did you see them?

Mr. HILL. In General Jones's office.

Senator CHILTON. I desire to get some direct testimony about this matter, if we can. Do you know that these men were employed in the Post-Office Department?

Mr. HILL. I do not know who they were, or where they came from. It may have been that they were some of the men who were on the spy roll. I do not know as to that. I simply recognized them, at least in two instances, in Mr. Jones's office, when I was removed or when I was told of my removal, as being the same men I had seen both in New York and in the city of Washington at my heels; and similar spies were detailed to follow the movements of Mr. Sullivan and Mr. Beight.

Senator CHILTON. Do you know the names of the spies who followed Mr. Sullivan and Mr. Beight?

Mr. HILL. No, sir.

Now, as I started to say, I still continued as commissioner of the Court of Claims and as special attorney of the Department of Justice, which offices were additional to that of assistant superintendent of free delivery. That created a great deal of rivalry and jealousy among certain people, because they thought I was getting an enormous salary, whereas as commissioner I got nothing but the empty title of the place, and as special attorney I got $5 a day from the Department of Justice. I held the two offices for one year simultaneously, that is, the special attorneyship of the Department of Justice and the assistant superintendency of the free delivery division, and I continued in

the Department of Justice from the 7th of December, after I was removed as assistant superintendent, until the 11th of January following, at which time I was requested to resign there also.

When I returned to Brooklyn, after my removal from the assistant superintendency, I corresponded with the Civil Service Commission and called their attention to the violations of law in respect to these political assessments, and here is the correspondence, three of the letters being signed by Mr. Procter and the other by the secretary, in which they invite whatever proof we can furnish as to those violations, etc., and disclaim jurisdiction as to the unauthorized employment of anybody, which Mr. Machen, the superintendent, says Mr. Roosevelt in his time permitted them to do, but I do not believe it.

Here is what I think is a copy of the affidavit which Mr. Sullivan filed; at least, if it is not an exact copy of the one he filed, it is not a complete statement. It is rather a moderate statement of the case, but I am satisfied that it is a copy of the affidavit. If not, the Commission has the affidavit.

DISTRICT OF COLUMBIA, *County of Washington, ss:*

Before me, a notary public in and for the District of Columbia, this day comes William A. Sullivan, a resident of above-named county and State, who, after being first duly sworn, deposes and says:

That for more than two years prior and up to the 7th day of December, 1895, he was a clerk in the free-delivery division of the Post-Office Department in the city of Washington; that employed in the same office was one William M. Bellmann, who acted as and was styled "chief of the secret agents" of the free-delivery system; that from personal knowledge he knows the said Bellmann to have levied and collected from other employees of the Post-Office Department amounts of money for the benefit of a certain political campaign fund, and that he (affiant) has seen correspondence from a certain employee protesting against such assessment for political purposes.

That he has further seen the said Bellmann take money from the salaries of subordinates, which salaries, in the form of currency, passed through the said Bellmann's hands; that he has reason to believe, and does firmly believe, that said amounts so abstracted were in the nature of political assessments, especially as soon afterwards he saw a written protest from one of the employees of the Department, directed to the said Bellmann, concerning said abstraction of a portion of his salary.

That he was dismissed from his employment as a clerk in the Post-Office Department for bringing to the knowledge of the First Assistant Postmaster-General the fact of such assessment for political purposes.

——— ———.

Sworn and subscribed before me this —— day of January, 1896.

——— ———.

The CHAIRMAN. You say that the Civil Service Commission invited you to furnish evidence bearing on that question?

Mr. HILL. Yes, sir; upon the matter of political assessments.

The CHAIRMAN. Was the evidence given to the Commission?

Mr. HILL. Yes, sir. Is it the desire of the committee that the correspondence between myself and Mr. Procter or the Commissioner shall be put in the record?

Senator CHILTON. I think the substance of the letters can be stated just as well.

Mr. LODGE. I would suggest that the letters be read, if they are not very long.

The CHAIRMAN. Yes; if they are not too long you may read them.

Mr. HILL. They go from December 23, 1895, to February 28, 1896, and are in reply to my letters, which I have not here. The first one reads:

WASHINGTON, D. C., *December 23, 1895.*

SIR: The Commission acknowledges the receipt of your letter of the 18th instant, charging that secret agents of the free-delivery system have been appointed without authority of law and their services utilized for political purposes, and containing a copy of a letter from Joe M. Gardenhier, addressed to W. M. Bellman, both said to be in the secret service of the Post-Office Department. The Commission would thank you to furnish it with such proofs as you may have to substantiate your statement that political assessments were made as charged. Upon the receipt of this information the Commission will decide whether an investigation is necessary or not. Whether men are lawfully paid by the Post-Office Department is a matter with which this Commission has nothing to do.

Very respectfully, JOHN R. PROCTER, *President.*

Mr. W. W. HILL,
Room 5, Post-Office Building, Brooklyn, N. Y.

Another letter, December 28, 1895, reads:

WASHINGTON, D. C., *December 28, 1895.*

SIR: The Commission desires to thank you for the references contained in your letter of the 26th instant.

Before taking any action in regard to the matter the Commission feels that it should have some evidence of a specific character to justify it in making an investigation. It should have the affidavits of at least two persons cognizant of the facts in the case—the affidavits of the two gentlemen mentioned in your letter, or the affidavit of one of those and your own affidavit, or the affidavits of all three. A prima facie case ought to be established before the Commission should proceed to investigate.

Very respectfully, JOHN R. PROCTER, *President.*

W. W. HILL, Esq.,
Commissioner, United States Court of Claims, Brooklyn, N. Y.

A letter of January 6, 1896, reads as follows:

WASHINGTON, D. C., *January 6, 1896.*

SIR: The Commission has received your letter of the 3d instant, in regard to alleged political assessments in the Post-Office Department, and has the matter under consideration.

Very respectfully,

JOHN R. PROCTER, *President.*

Mr. W. W. HILL,
Room 5, Brooklyn Post-Office, New York.

A letter of February 28, 1896, reads as follows:

WASHINGTON, D. C., *February 28, 1896.*

SIR: In reply to your letter of February 24, I am to state that the Commission will be pleased to have you furnish any further evidence

attainable respecting political assessments in the Post-Office Department.

Very respectfully, JOHN T. DOYLE, *Secretary.*

Mr. W. W. HILL,
Post-office Box 695, Washington, D. C.

Prior to the receipt of the letter calling for additional evidence we had furnished the affidavits of myself, Mr. Beight, and Mr. Sullivan, and a copy of the same letter which I read here awhile ago, which was absolutely all the attainable evidence that could be produced except by referring the Commission to other clerks in the free-delivery division who had as full knowledge of this matter as we did, but who were disinclined to testify before the Commission; but it is, of course, a matter of opinion with the Commission as to the sufficiency of two affidavits, at least, in which it was distinctly stated that the persons had heard portions of conversations in which the matter of assessments was referred to, and where it was stated, as between Machen and Bellmann, Machen speaking to Bellman said, "If those men do not come up with the assessments turn them out." That was heard said in there.

Then, to clinch the whole matter, a copy of the Gardenhier letter was referred to the Commission with the offer to substitute the autograph letter whenever wanted, but it was not desired to send the autograph letter, because it would be, at that stage of the proceedings, desirable to retain it. Sometimes there is an unfortunate disappearance of the files of the Civil Service Commission, and I was afraid it might possibly reach one of the files which disappeared like mine did some time ago there.

Senator CHILTON. Is the letter which you produced here some time ago the original letter?

Mr. HILL. No, sir; it is a copy. The original letter is now in the possession of the First Assistant Postmaster-General. He has it.

Senator CHILTON. When was the orignal letter turned over to him?

Mr. HILL. It was turned over a few days ago by Senator Fairbanks. I do not know the exact date. Senator Fairbanks sent it to him.

Senator CHILTON. Did you have the original letter?

Mr. HILL. Yes, sir; I had had it previous to that time, but thereafter Senator Chandler had it. It has made a good many journeyings. It has been around; and I think Senator Peffer had it at one time.

Senator CHILTON. Did you have the original letter at the time you corresponded with the Civil Service Commission?

Mr. HILL. No, sir; Mr. Beight had it.

Senator CHILTON. Has the original letter ever been in your possession?

Mr. HILL. Yes, sir; I had it for a short time.

Senator CHILTON. Where did you get it?

Mr. HILL. I picked it up in the Department. It was not an official letter.

Senator CHILTON. Where did you pick it up, on the floor or from the basket?

Mr. HILL. From the wastebasket. No; I did not pick it up. It was picked up by Mr. Sullivan and given to me directly by him. He picked it up out of the wastebasket. I think it was out of the wastebasket; at least, on the floor among waste paper.

I am not informed specifically what decision the Commission arrived at in respect to these assessments, but I am satisfied that if this committee will proceed from the point I leave off, it will find that the Commission actually made a report incriminating both Mr. Bellman and

Mr. Machen, and recommended to the Attorney-General their prosecution, and that the prosecution was effectually squelched in the office of the Attorney-General thereafter.

The CHAIRMAN. You say the Civil Service Commission made such a report?

Mr. HILL. I believe so. I was so informed.

Senator LODGE. Will you state the circumstances of your own removal?

Mr. HILL. Yes, sir. Mr. Jones called me up and asked me if I thought that I had acted honorably toward the Postmaster-General, and had made a sufficient and grateful return of his kindness in singling me out for distinction in the Department. I told him that I thought my higher duty was to the people; that it was true I appreciated my elevation to that position, and also the incidental pay and the honor of representing the Department of Justice, and I had conscientiously represented the Government, and he knew it.

I have a letter, which the committee can see hereafter, highly eulogistic of my findings and rulings in the matter of these claims. I said to him that so far as any personal gratitude was concerned, my personal gratitude would not be due to Mr. Wilson; that he had only recently come in. I had never seen Mr. Wilson. "If any gratitude is due from me to anybody else, it is either to you or Mr. Bissell. It is primarily to Mr. Bissell, because Mr. Bissell singled me out—appointed me—simply through a report he received from the oldest clerk in the division, who did not want the place, that I was the best clerk in the division, and I was appointed solely upon those grounds." I did not enter the Department and was not in the line of promotion from anybody's favor, but I came in through the competitive examination from the city post-office, and I was under obligation to nobody, and that if he thought it was inconsistent for me to remain in the Department after having made these disclosures to a Republican Congressman, I was perfectly willing to resign. He said, "I will not permit you to resign." "Well," I said, "then there is only one other thing for you to do." And he said, "Yes; and I will do that."

Senator LODGE. Your ingratitude was in making these disclosures?

Mr. HILL. Yes, sir; my ingratitude consisted in not shutting my mouth and shutting my eyes and keeping them shut to all these iniquities which I have detailed here.

Senator CHILTON. Were these matters brought out in Congress by some Republican Congressman? Is that the way his attention was attracted to them?

Mr. HILL. No, sir.

Senator CHILTON. What was the occasion of his sending for you?

Mr. HILL. I said previously that Mr. Beight had determined to make a disclosure of this thing, and in order that the thing might be properly disclosed and disclosed fairly to me as well as the rest, I took part in that disclosure.

Senator CHILTON. You say it was disclosed. What publicity was it that you referred to; how was that publicity made?

Mr. HILL. We went to the Representative.

Senator CHILTON. How did Mr. Jones learn about it?

Mr. HILL. From the time I disclosed it to him Mr. Jones put these spies on our heels, and they traced us to the very room of the Representative in Congress and remained at the door of the room and possibly heard all we said. They followed us like sleuths over this city and everywhere else.

Senator CHILTON. That is the way he found it out?

Mr. HILL. Yes, sir. He told me afterwards, "You were traced to the Ebbitt House, to the room of this Representative."

Senator CHILTON. Give his name; tell us who he was.

Mr. HILL. Jesse Overstreet, of Indiana.

Now, I wish to speak specifically as to a matter pertaining to myself and the disappearance of my files. It was said in Congress, by someone who represented the Post-Office Department in the controversy, that the Commission had informed the Post-Office Department that the jacket containing my record and file in the Civil Service Commission had disappeared from the place where it was kept. If it has disappeared, I do not know where it went. I never had any access to the files of the Commission, and there were charges made which at that time could only be sustained by the people who made the allegations by that file, and when they came to get the file the Commission said it was gone. The question is how it got out of the Civil Service Commission's hands. They had it in custody.

The CHAIRMAN. Was your file kept by the Civil Service Commission?

Mr. HILL. Yes, sir; by the Commission, as all files pertaining to examinations are, it is presumed. I never saw the papers or any part of them after I was examined, yet when these questions of veracity came up it was reported that the file was gone.

The CHAIRMAN. Had you at that time been notified as to the rating you had made?

Mr. HILL. Yes, sir; long before. I had been in the Department some time.

In connection with the employment of these spies there is one feature, but I do not know whether it is admissible in the contention with the Commission. I do not know to what extent it was practiced, but I do know of a single case, that is, the employment of Mr. Henry L. Lorenz, who was a brother commissioner of mine. He is a man who was appointed as box repairer in the Post-Office Department and detailed to the Court of Claims to be a commissioner of that court.

These agents were first appointed and denominated as box repairers or mechanics, ostensibly to repair letter boxes in the streets, though they never repaired any in their whole experience. Mr. Lorenz was to occupy the position of commissioner of the court. In order, first, to afford compensation at all, and afterwards to increase his compensation to a decent figure, he was appointed, in the guise of one of these spies, as box repairer and immediately commissioned by the Court of Claims to pass upon and examine an inferior class of claims which were being considered in small cities, and he went off about it the same as I did.

Mr. Lorenz was first appointed by the Post-Office Department shortly after the 1st of November, 1894, but because he had been hard up and out of office for some time theretofore, his pay, at $3 a day, was antedated from the 1st of July, 1894, and the postmaster at New York was ordered to send the money not to Mr. Lorenz, but to Mr. Machen, superintendent of the free-delivery division; and that amount was $369, which you will find charged in the accounts of the New York post-office for the first quarter of that fiscal year, payable to Henry L. Lorenz.

Senator LODGE. These secret agents were paid from the revenue of the particular offices to which they were detailed?

Mr. HILL. Yes, sir; but in Mr. Lorenz's case he was not in the service at all until about the 1st of November; I know he was not in it

prior to the 1st of November, 1894, and the date line of his appointment is the 1st, 2d, or 3d of November, 1894. Notwithstanding that, for the first four months preceding that date he was ordered to be paid by the postmaster at New York at the rate of $3 a day for every day, Sundays included, and that money was sent by the postmaster at New York, individually, to the superintendent of the free-delivery division.

Senator CHILTON. Who was, Bellmann?

Mr. HILL. No; Mr. Machen.

In connection with that money, I happened to be in New York at the time the requisition was made, and there was a slight error in the form of the requisition; in fact there was a slight error in computation. The auditor of the New York post-office, Mr. Jardine, called on me to know whether that could be rectified inside of the requisition, or whether it would have to be sent back, stating that they seemed to be in very much of a hurry for the money. I said, as it was a clear clerical error in computation he could rectify it on the face of the requisition. I had nothing to do with the merit of the payment.

The money was sent to Mr. Machen, and I afterwards came back here and complimented Mr. Lorenz, when I was with him one day—no one else was present—upon having his pay antedated and getting such an amount in bulk, he having been, as he said, so hard up previously. To use his own words he said: "The devil; I never got a cent, and haven't yet." The inference is that he never got a cent of the money. I heard him go into Mr. Machen's room, and heard a contention between him and Mr. Machen about this sum, $369.

The only way Mr. Machen could get the $369 was not only to forge the signature of Mr. Lorenz to the voucher, which was sent to New York, but afterwards to forge the indorsement to the check which was sent by the postmaster at New York. I believe that if the check were recovered from the Treasury to-day, it would be found that the indorsement is in Mr. Machen's handwriting. I base that upon the fact that Mr. Lawrence told me, in all candor, that he never got a cent of the money.

The CHAIRMAN. Is Mr. Machen still employed in the Government service?

Mr. HILL. Yes, sir; he is at present superintendent of free delivery.

The CHAIRMAN. Is he covered by the civil service?

Mr. HILL. Yes, sir; he is "anchored." He thinks he is.

Mr. PROCTER. May I ask a question?

The CHAIRMAN. Certainly.

Mr. PROCTER. Mr. Machen and you were both appointed to these excepted places—confidential places.

Mr. HILL. Yes, sir; but it was nothing but a plain Government position.

Mr. PROCTER. It was excepted at the time you were appointed?

Mr. HILL. Yes, sir.

Senator LODGE. On the ground that it was a confidential place?

Mr. HILL. There was nothing especially confidential about it.

Mr. PROCTER. An excepted place.

Senator LODGE. I understand that. It was a place of a confidential nature, for the purpose of having it excepted.

Mr. HILL. I did not understand that those who were employed had to conceal anything at all.

Senator LODGE. Oh, no.

Senator CHILTON. No.

Senator LODGE. It is a technical term.

Senator CHILTON. A man ought not to conceal anything if wrongdoing is going on.

Mr. HILL. I simply put two facts together here for the benefit of the committee without stating anything as a fact of my own knowledge.

At the time the charges were pending in respect to these assessments Mr. Campbell was very hurriedly sent for from Ohio, and, with Mr. Machen, had a conference with the Attorney-General presumably to combat the charges, and we never heard anything more of the charges.

I did not inform the Commission of my inability to furnish any more evidence, because I had exhausted the subject, and I thought I had furnished evidence as true as holy writ, or as near as we can get to it in this world. We did offer to furnish the autograph letter.

They did not allow me to remain long in the Department of Justice, because Mr. Jones himself said, "I will not fail to pursue you, and you may proceed to close up your business in the Department of Justice, because we will endeavor to have you out of there pretty quick;" which was a fact.

The CHAIRMAN. At what time were you discharged; what was the date?

Mr. HILL. On the 7th of December, 1895, and I was requested to resign in the Department of Justice on the 11th of January, 1896.

I have here a letter from the Assistant Attorney-General, which I should like to read to the committee. I will read it through no sense of laudation or anything of that kind, but simply to let the committee know that my work, when I was in office, was considered as being well done. I presume that is within the scope of the committee's inquiry.

The CHAIRMAN. We shall be glad to have the letter read.

Mr. HILL. This is a letter delivered to me by Mr. Jones, who told me to keep it, because it was not addressed to him officially, but simply as confirmation of his judgment in detailing me from the Post-Office Department to the Department of Justice. It says:

DEPARTMENT OF JUSTICE,
Washington, D. C., February 21, 1894.

DEAR SIR: I have recently completed an examination of the first installment of reports from Mr. W. W. Hill, in pursuance of his commission as special examiner of the Court of Claims to investigate letter-carrier's claims. These reports cover several stations in New York, the cities of Hoboken and Bayonne, N. J. After such examination I feel moved to thank you again for the very efficient cooperation you have extended me in the adjustment of these cases, as marked by the very excellent diligence and judgment evinced by Mr. Hill in his examination. After my examination and entering into detail with Mr. Hill of his methods, I have no hesitation in placing entire confidence in the conclusions reached by him. His course has also convinced the attorneys for the claimants that he is thoroughly judicial and fair in his purposes and in his points of view, and I anticipate that this method of adjustment, which is an experiment now, will become very much of a success and be very beneficial and economical to the Government. The personal qualities of Mr. Hill will add very much to the probability of such success.

Very respectfully,

J. E. DODGE,
Assistant Attorney-General.

Hon. FRANK H. JONES,
First Assistant Postmaster-General, Washington D. C.

I think, gentlemen, that is all I desire to say, except that in Congress, upon the Post-Office appropriation bill, I was made the subject of a charge and great attack by Mr. Loud, of the Post-Office Committee. I never understood to this day why Mr. Loud had that disposition to check our investigation at that time. I do not seek to impugn his motives at all. He had an opportunity at that time, for we had a full record of all these matters and a full reference to the books of the office, to ascertain, without the help of our testimony at all, a full knowledge of all these things. Instead of that, I was discredited; my whole past life raked up, part of it untrue, a great deal of it lies, and I was misrepresented in every other way, simply to break down the force of the charges.

One of the men dismissed at the same time I was is an old soldier, as I stated before, Mr. Beight, who even up to this time hesitates to make any complaint whatever, simply because he is afraid that he will be denominated a trouble maker and possibly can not get back into the Department, etc.

Senator CHILTON. Mr. Hill, what are your politics to start with—Republican?

Mr. HILL. I have been a Democrat all my life. I have never had a chance to vote, because I left my State just prior to attaining my majority, and I have lived almost continuously since in the District of Columbia.

Senator CHILTON. You do not think there is anything political in this matter that you speak of—any political hostility toward you?

Mr. HILL. Not at all. It could not have been.

Senator CHILTON. When did you say Mr. Machen was appointed?

Mr. HILL. The same time I was, or rather before. A little previous to my appointment he had been appointed assistant superintendent of the free-delivery system, the office which I held subsequently, and when he was promoted to the superintendency, on account of turning out Mr. Pollock, I was promoted to Mr. Machen's place.

Senator CHILTON. When was Bellmann appointed? Just give us a general idea. I do not mean the exact date.

Mr. HILL. He was appointed in April, 1894 or 1895, I forget which; 1895, I think it was.

Senator CHILTON. You speak of Mr. Machen being under the civil service. You do not understand, of course, that a man can not be removed, although he is under the civil service, where he is guilty of absolute misconduct?

Mr. HILL. No, sir; but I understand that he has the benefits of the civil-service law, which he outraged so repeatedly.

Senator CHILTON. You say that Mr. Machen forged the name of Mr. Lorenz?

Mr. HILL, No, sir; I beg pardon, Mr. Chilton; I did not make any such charge. I refrained very distinctly from saying so. The statement made to me by Mr. Lorenz, that he did not get that money, in connection with the fact that the check was afterwards cashed, makes it satisfactory to me that the money was drawn without his consent or concurrence.

Senator CHILTON. I do not understand you to say you saw him sign it.

Mr. HILL. I do not charge him with it. I refrained distinctly from it.

Senator CHILTON. If he signed the name of Lorenz to the check or to the receipt without authority of course he can be removed from office, although he is under civil service.

Mr. HILL. Certainly, he can be removed anyhow.

Senator CHILTON. If Mr. Bellmann opened the letters to the different spies of whom you speak, or the express packages, rather, without authority, you do not understand that the civil service protects him?

Senator LODGE. He was not under the civil service.

Mr. HILL. He was never in it. He was never provided for by any authority of law.

Senator CHILTON. And is he not now?

Mr. HILL. He went out in July because the Senate put a restrictive clause in the Post-Office appropriation bill utterly abolishing them.

Senator CHILTON. Where is Bellmann now?

Mr. HILL. I do not know.

Senator CHILTON. Is he in this city?

Mr. HILL. No, sir; I think not.

The CHAIRMAN. We should like to have his address.

Senator CHILTON. Where does he reside?

Mr. HILL. I think he is a pretty hard man to find. Ordinarily he is in Toledo, Ohio, I believe. I know very little of Mr. Bellmann. I simply got from Mr. Beight the extracts from the records of the office showing his pay, etc. They are extracts from the official records of the free-delivery service.

Senator CHILTON. What is Mr. Beight's politics?

Mr. HILL. He is a stalwart Republican.

Senator CHILTON. Was he removed at the same time you were?

Mr. HILL. Yes, sir.

Senator CHILTON. What is Mr. Sullivan's politics?

Mr. HILL. He is a Democrat.

Senator CHILTON. He was removed at the same time you were?

Mr. HILL. Yes, sir; all three were removed simultaneously.

Senator CHILTON. Do all three live in this city?

Mr. HILL. Sullivan is in Boston. Mr. Beight is in this city, at 639 Second street NE.

The CHAIRMAN. Give us the initials of Mr. Sullivan.

Mr. HILL. William A. Sullivan.

The CHAIRMAN. Do you know his address in Boston?

Mr. HILL. Yes, sir; he resides, or did reside—he owned a house—at 81 Adams street, Malden, Mass., a suburb of Boston.

Senator CHILTON. I understand from you that Mr. Jones assigned as his reason for dismissing you that you had disclosed to this Representative to Congress the facts that you speak of about the assessment of the spies and the opening of the packages by Bellmann. Is that correct?

Mr. HILL. Yes, sir; and on the same day, and almost the same occasion, Mr. Jones was so excited and worked up about the matter that he actually threatened to throw Mr. Beight out of the upper window of the Post-Office Department.

Senator CHILTON. Did you hear that yourself?

Mr. HILL. No, sir; I was not in there, but Mr. Beight told me.

Senator CHILTON. That is secondhand, then. You said, I understand, that there were dismissals to the amount of 100 in the Philadelphia post-office?

Mr. HILL. Yes, sir. Either 100 or so nearly or approximate 100 that it makes no difference.

Senator CHILTON. Most of them were Republicans, I understood you to say.

Mr. HILL. I so understood.

Senator CHILTON. Did you know anything about that yourself at all?

Mr. HILL. I did not have knowledge of it, except what has devel-

oped since. I know these men are seeking reinstatement through the Representative from Philadelphia, both because they have a right to reinstatement, being old soldiers, and on the ground that they were Republicans when they were removed.

Senator CHILTON. Do you know anything about the politics of the 80 men who were employed?

Mr. HILL. No, sir; they came from the civil-service list. They did not have any, I guess, at the time.

Senator CHILTON. Do you know personally any of the 100 who were dismissed?

Mr. HILL. No, sir; I do not know one of them.

Senator CHILTON. You do not know a single one of them?

Mr. HILL. No, sir.

Senator CHILTON. I understand all your information about that, then, is secondhand, as it is about their politics.

Mr. HILL. It is not entirely secondhand.

Senator CHILTON. What is it? I want to find out what it is.

Mr. HILL. I was in Philadelphia at the time the secret agents were there, and I was talking one day to one of the agents who used to worry me by coming to my room at the hotel without any invitation at all and seeking to be in constant communication with me, for what purpose I do not know. He might have been instructed to watch me. He came there one night pretty drunk. His name is Henricos.

Senator CHILTON. Are you going to tell us something that he said?

Mr. HILL. I was going to tell you what he said his instructions were.

Senator CHILTON. Unless the other members of the committee wish to hear that, I do not care about it. What I want to elicit is something of your own knowledge.

Mr. HILL. I do not know any of them.

Senator CHILTON. You do not know them?

Mr. HILL. No, sir.

Senator CHILTON. You do not know their politics?

Mr. HILL. No, sir; it was not part of my duty to ascertain their politics.

The CHAIRMAN. What is the point you are trying to get at, Senator?

Senator CHILTON. He stated, I understand, that the men who were discharged were Republicans, in large measure, or, in fact, most of them. I desire to ascertain if he knows anything about that himself. He says he does not.

The CHAIRMAN. Was the man of whom he speaks as coming to his room discharged?

Senator CHILTON. It seems not. He was a spy.

The CHAIRMAN. If he said anything bearing on the question of the discharge of these men, we will hear it.

Senator CHILTON. I have no objection, if you want to hear it.

The CHAIRMAN. I should like to hear that. I think it is competent.

Mr. HILL. Henricos told me on that occasion, when he was a little drunk—which was his normal condition, by the way—that he had been instructed to ascertain, as near as possible, after he caught a man in fault, whether he was a Democrat or a Republican, and to report it to the Department secretly, or in some way outside of his official reports, so, I presume, that the Department could be lenient on that account. In this connection I will state that I presided at the trial of the delinquent letter carriers in Chicago, when the superintendent was there—about the finality of my session as commissioner of the Court of Claims. I presided with him when he had men on trial for various delinquencies.

Senator CHILTON. Who was that, Machen?

Mr. HILL. Yes, sir; he came out there. That was in October, 1895. I saw, in connection with that, two sets of reports which the agents had made against some letter carriers, and I saw there two which had cards, with the names of Members of Congress on the cards. I do not know what was written on the other side of the cards; I do not know whether there was anything; I think not. They were simply two cases where there had been Congressional interference. I know those men were not particularly punished, though they may not have deserved it. I do not say anything about that. I do not impugn the motives of any Representative in asking leniency in favor of a letter carrier. Although I know that was the system, and I know that Democratic Congressmen interceded for them, I do not know upon what ground they interceded, or whether officially or not.

Senator CHILTON. I understood you to say that you furnished the affidavit of Sullivan to the Civil Service Commission?

Mr. HILL. I did not furnish it. It was furnished direct by Sullivan and Beight.

Senator CHILTON. By Sullivan himself?

Mr. HILL. And prior to the submission of the affidavit they had a long conference with the entire Board, as both of them informed me afterwards; and the Board itself encouraged them to persist in the charges and to furnish the evidence.

Senator CHILTON. The Civil Service Board?

Mr. HILL. Yes, sir.

Senator CHILTON. After those affidavits were furnished was additional testimony taken?

Mr. HILL. I do not understand that there was any more which could possibly have been obtained from us. The Commission may have obtained testimony that I do not know anything about from somebody else, either in the line of our testimony or contra.

Senator CHILTON. That went to the Attorney-General's Department?

Mr. HILL. I simply state that as a piece of information which I got afterwards. I did not place any reliance in it, but I say to the committee I believe, from the indistinct things I heard afterwards, that if the committee will pursue the inquiry beyond where I was able to pursue it they will find that such an incriminating report was prepared and submitted to the Attorney-General.

Senator CHILTON. When you were discharged from the Attorney-General's office was any reason for your discharge assigned?

Mr. HILL. No, sir; I was simply requested to resign.

Senator CHILTON. Were any charges made against you?

Mr. HILL. No, sir.

Senator CHILTON. Were any charges ever made against you?

Mr. HILL. No, sir; not that I know of. I was in the Department of Justice from the 7th of December, the date of my discharge in the Post-Office Department, to the 11th of January following, and in the interim I filed with the Postmaster-General these charges against Mr. Machen.

Senator CHILTON. Who was Attorney-General when you were discharged?

Mr. HILL. Mr. Harmon, I forgot to mention in my testimony that, some time between the 7th of December and the 1st of January ensuing, at that time I filed with Mr. Wilson a sworn affidavit, stating all about these assessments, etc., what I have stated here to-day, and some other things in connection with the letter boxes, etc.

Senator CHILTON. Were you assessed at the same time?

Mr. HILL. No, sir.

Senator CHILTON. You say you are a Democrat? Was any assessment at all made upon you?

Mr. HILL. No, sir; I did not desire to prolong that species of Democracy.

Senator CHILTON. I want to know whether you were assessed. I do not care so much for your opinion, but I wish to know whether you were assessed.

Mr. HILL. No, sir; I was not assessed at all.

Senator CHILTON. Speaking of Mr. Lorenz, is he now in the employment of the Government here in Washington?

Mr. HILL. I presume he is; I do not know to the contrary.

Senator CHILTON. In what branch of the Government, in the Court of Claims?

Mr. HILL. Yes, sir; he was one of the commissioners.

Senator CHILTON. Of the Court of Claims?

Mr. HILL. Yes, sir; but there was no compensation attached to that position. The compensation had to be provided by the Department of Justice out of the appropriation for the defense of suits.

Senator CHILTON. Your information is that he is still in the city of Washington?

Mr. HILL. Yes, sir; I think so; perhaps not in the city, but probably still connected with the court and with the Department of Justice. I think his address could be obtained from General Dodge, Assistant Attorney-General. That is all I care to say.

Mr. PROCTER. Will you please state what was the date of the examination paper, when you took the examination, and which you indicate was lost in the file of the Commission?

Mr. HILL. I do not know, Mr. Procter. That is something I do not know a thing about, because I can not possibly tell whether it was the file upon which I made application for appointment to the city post-office or the subsequent file which was created when I was transferred from the city post-office to the Post-Office Department.

Mr. PROCTER. About what time was it when you took the examination?

Mr. HILL. It must have been in the vicinity of August, 1889, because that was the time I was transferred.

Mr. PROCTER. Are you aware that those files up to a later date than that were not kept by the Civil Service Commission, but were kept by the local boards in the post-offices?

Mr. HILL. I do not know a thing about it. I never had any information on that subject at all.

Mr. PROCTER. Do you know that a file was ever lost from the Civil Service Commission?

Mr. HILL. That is the only one I ever heard of being lost.

Mr. PROCTER. And you do not know that it was not kept in the local post-office?

Mr. HILL. No, sir; I do not. I never had any access to it, and I never saw the papers after I turned them in to the examiner.

Mr. PROCTER. So that is all you know about it?

Mr. HILL. Yes, sir.

Mr. PROCTER. The inspectors you speak of, you say, were appointed and charged to the respective post-offices as letter-box repairers and other mechanical positions?

Mr. HILL. Yes, sir.

Mr. PROCTER. Are you aware of the fact that those positions were not included under the civil-service rules until May 6, 1896, and that consequently they were appointed outside of the civil-service rules?

Mr. HILL. Yes, sir; I am aware of that, and also of the fact that they were not provided for in any law.

Mr. PROCTER. Are you aware of the fact that the Commission did investigate, through the local Civil Service League in Philadelphia, the removals of certain carriers whose complaints were made there?

Mr. HILL. Yes, sir; I heard so afterwards.

Mr. PROCTER. Are you aware of the fact that the Commission did investigate the dismissals, and that it had Gardenhier, Miss Liebhardt, Sullivan, and Beight before the Commission, and took evidence, and did make a report on that investigation?

Mr. HILL. I know as to having Beight and Sullivan there. I did not know about the others.

Mr. PROCTER. And that the Commission did make the report and recommendation?

Mr. HILL. I do not know anything about that.

Senator LODGE. When did you enter the city post-office?

Mr. HILL. I entered it sometime in 1889, in the fall of 1889—I think in September or October. It was about that time. I was there some time, and, as I said, I was transferred upon the recommendation of Postmaster Sherwood.

Senator LODGE. Had you been living in Washington before?

Mr. HILL. Yes, sir.

Senator LODGE. About how long?

Mr. HILL. From that time back since 1880. That was nine years before 1889.

Senator LODGE. You were living here nine years before you were in the service?

Mr. HILL. Yes, sir.

Senator LODGE. What was your employment before that time?

Mr. HILL. I had had various employments. I had been connected with the police department of the city here; I had been in the National Republican newspaper office; I had been chief clerk of a pension bureau down here, and I had various other occupations in a clerical line, such as I could get.

Senator LODGE. Did I not understand you to say that you are a lawyer?

Mr. HILL. Yes, sir.

Senator LODGE. Then you studied law after that time?

Mr. HILL. No, sir; I studied law and graduated at the University of Mississippi in 1887.

Senator LODGE. Do you come from Mississippi?

Mr. HILL. Yes, sir.

The subcommittee, at 12 o'clock and 50 minutes p. m., adjourned until Saturday, May 15, 1897, at 10 o'clock a. m.

SATURDAY, *May 15, 1897.*

The subcommittee met at 10 o'clock a. m.

Present: Senators Pritchard (chairman), Elkins, and Chilton; also Hon. John R. Procter, president of the Civil Service Commission, and Mr. G. R. Wales, of the Commission.

The chairman announced the appointment of Senator Lodge and Senator Harris, of Kansas, as additional members of the subcommittee.

TREASURY DEPARTMENT.

STATEMENT OF AUDITOR GEORGE A. HOWARD.

Mr. GEORGE A. HOWARD, Auditor of the Treasury for the Post-Office Department, appeared.

The CHAIRMAN. Quite a number of Senators have been anxious to have the report which you made to the Secretary of the Treasury as Auditor.

Mr. HOWARD. I can read the report, or give you an idea what it is.

The CHAIRMAN. It is a report showing the different changes?

Mr. HOWARD. It shows the changes which were made in my office during the past Administration.

The CHAIRMAN. You can submit the report, and then the committee will hear any further statement you wish to make in regard to your allowance of certain accounts.

Mr. HOWARD. The memorandum referred to is as follows:

Memorandum.

MARCH 3, 1897.

The present Auditor for the Post-Office Department assumed the duties of the office April 16, 1894. This office was at that time greatly in arrears in the business of its money-order branch, and, as is well known, had occasioned much correspondence and also discontent with the many thousands of late postmasters throughout the country who desired a final settlement of their accounts. The present administration of the Treasury has given this office fair and just recognition, but it is a matter of history that it had borne for years the soubriquet of the "Botany Bay" of the Treasury Department, and was the dumping ground for the dissipated and objectionable material in that great Department. It was therefore necessary to weed out and discipline this material. The present condition of the office evidences that much has been accomplished in this direction for the betterment of the service. The office is in good condition, with the work current. The successor of the present Auditor will find a well-disciplined force, with the work up to date.

Six of its seven divisions will compare favorably and are up to the standard of the best divisions of any of the great Departments of the Government.

There are, however, a number of employees in this office who are incapacitated from age, and a smaller number who, from want of ability or from lack of interest in their duties, should be dropped from its roll. A majority of the employees are Republicans, and the larger amount of pay is received by Republicans, notwithstanding that this statement includes the Auditor, Deputy Auditor, and others, who are within the excepted class of the civil-service rules.

POLITICS OF EMPLOYEES.

There are 38 officials and employees in this office, including the Auditor and Deputy, who are not subject to civil-service examination. Twenty-five are Democrats and 13 Republicans; 24 are white and 14 colored; 25 are males and 13 females. There are 449 clerks and messengers subject to civil-service examination. This includes the chief clerk, the disbursing clerk, and 7 chiefs of divisions. One hundred and ninety-one of these are Democrats and 258 are Republicans; 424 are white; 25 are colored; 314 are males, and 135 are females.

There are 487 officials and employees in this office. Of this number 216 are Democrats and 271 Republicans. Four hundred and forty-eight are white, 39 colored.

Three hundred and thirty-nine are males and 148 females. The percentages a
follows:

	Per
Democrats	
Republicans	
White	
Colored	
Males	
Females	

The total amount of salary paid—

Democrats	$25
Republicans	30

Democrats 45 per cent, Republicans 55 per cent of amount of salaries paid.

Politics and pay by grades.

	Numbers.		Pay per ann	
	Democrats.	Republicans.	Democrats.	Re lic
Auditor	1		$4,000	
Deputy Auditor	1		2,500	
Chief clerk	1		2,000	
Disbursing clerk	1		2,000	
Chiefs of division	7		14,000	
Class 4	9	8	16,200	$
3	25	38	40,000	
2	30	47	42,000	
1	45	49	54,000	
E	35	46	35,000	
D	14	27	12,600	
C	11	19	9,240	
B	2	21	1,440	
Messengers	2		1,680	
Assistant messengers	9	3	6,480	
Male laborers	18	5	11,880	
Female laborers	3		1,980	
Charwomen	2	8	480	
Total	216	271	257,480	3

Changes under the administration of John B. Brawley, Auditor, from April 19, 189 April 15, 1894.

	Republicans.	Democrats.	To
Appointments	24	52	
Removals	36	1	
Resigned	27	9	
Transferred	7	3	
Promoted	17	80	
Reduced	28		
Deaths	3		

Changes under the administration of George A. Howard, Auditor, from April 16, 189 March 4, 1897.

	Republicans.	Democrats.	To
Appointments	56	99	
Removals	24	17	
Resigned	21	17	
Transferred	23	14	
Promoted	97	209	
Reduced	61	17	
Deaths	12	3	

Total changes in the office of the Auditor for the Post-Office Department from March 4, 1893, to March 4, 1897.

	Republicans.	Democrats.	Totals.
Appointments	80	151	231
Removals	60	18	78
Resigned	48	26	74
Transferred	30	17	47
Promoted	114	289	403
Reduced	89	17	106
Deaths	15	3	18

Ex-soldiers and sailors.

Eighty-four employees now on the rolls of this office report themselves as ex-soldiers or sailors of the United States Army and Navy. This number is 24.7 per cent of the entire male force of this office.

The following changes have been made among this class of employees from March 4, 1893, to March 4, 1897:

Appointed	18
Promoted	19
Removed	21
Resigned	10
Reduced	23
Transferred	13
Died	4

POST-OFFICE DEPARTMENT.

SECRET AGENTS OF FREE-DELIVERY DIVISION.

TESTIMONY OF AUDITOR GEORGE A. HOWARD.

The CHAIRMAN. Mr. Howard, we would be glad to hear anything you may have to say in regard to the statement made by Mr. Hill bearing on the question of your allowance of certain accounts.

Mr. HOWARD. I saw in the publication that appeared of the proceedings of last Saturday that a statement was made that I, as Auditor, had hesitated to pass certain accounts of the secret agents of the free-delivery service, and that after I was permitted to name some of the agents, then I passed the accounts. That was about the sum and substance of the report. The facts are simply these: The people who were appointed to investigate the letter carriers were first called mechanics. A number of them had been appointed, and I made inquiry as to the reason why so many were being appointed—what they were for. I was told by the First Assistant Postmaster General that they were to investigate the conduct of the carriers; that they had been engaged in that business for some time; that these mechanics had been on the rolls of the free-delivery service from its establishment, and that they performed that duty. From the name, it appeared to me that they were for the purpose of repairing letter boxes, etc., as mechanics.

Senator CHILTON. Although, as the chairman has just stated, we have been hearing heads of Departments, Bureaus, etc., without administering the oath, my idea is that there is a distinction between cases where matters of fact are involved and where it is merely the question of opinion in regard to the advisability of changes in the civil-service law. While I do not think we ought to make a rule on Mr. Howard which we have not applied to any of the others, because I know him to be a gentleman of high character, still I believe we ought to adhere

to the rule that when a witness testifies in regard to facts he shall be required to take the oath like the others.

The CHAIRMAN. That is the reason why I made the suggestion. and if Mr. Howard does not object he will be sworn.

Mr. HOWARD. I have not the slightest objection.

Senator CHILTON. There is a distinction between the two cases.

The CHAIRMAN. Where a question of fact is involved, I do not see any reason why he should not be sworn.

The oath was thereupon administered to Mr. Howard.

Mr. HOWARD. After a time had passed by the superintendent of the free-delivery division changed the name of the mechanics to secret agents, and they reappointed as secret agents all those who had been borne on the rolls of the free-delivery service as mechanics, and continued to appoint a number of others. That was early in 1895, I think. In the meantime, while they were mechanics, the superintendent of free delivery had asked me to name a suitable man to be stationed at Nashville, Tenn. I had no man in my mind, and had not thought of nominating anyone for the place, but I told him I would find out and let him have the name of a man, which I did. Afterwards he removed that man to Memphis, and asked me for another man. That man was sent to New Orleans, and he asked me for a third man. In all, I named three men for appointment. Two of them were appointed under the title of mechanics and one of them after the change was made to secret agents.

When they were changed to secret agents the number was increased very greatly, and from a few mechanics they had gotten up to a great number of secret agents. I thought it proper to get an opinion as to the legality of the appointments—whether it would be a conflict with the law or not to appoint these people and pay them out of the bulk appropriation for the free-delivery service. I wrote to the Solicitor of the Treasury, requesting his opinion, and made a brief in which I collated all the statutes that bore, as I thought, against the right of the Post-Office Department to appoint these people. He gave me an opinion to the effect that the Postmaster-General had a right to appoint these secret agents and pay them out of the bulk fund appropriated for the free-delivery service. I then had no further trouble with the matter and never made any more nominations for appointment, because it was never suggested to me to make any, and I had nothing more to do with that feature of the matter at all.

The next question that arose was as to the pay of these men. The per diem expenses of some of the agents exceeded $4 a day, and under the statute the inspectors of the Post Office Department are allowed only $4 a day. As I did not know where the expense account might be carried, I thought it proper to put a limit on it. I disallowed the expenses of several of the secret agents for all amounts above $4 a day, and notified the postmasters who had sent me the accounts and who had paid the amounts that amounts above $4 a day were disallowed. They, of course, communicated with the First Assistant Postmaster-General, who had authorized them to make the expenditure, and upon his being informed of the fact that I had disallowed the amount of expense account for these agents above $4 a day he appealed to the Comptroller from my decision. The Comptroller overruled my decision, stating that it was entirely within the province of the Postmaster-General; that there was no statute limiting the per diem expenses of these agents as in the case of the inspectors of the Post-Office Department, and that the accounting officer had nothing to do with the amounts; that he could only pass upon the legality of the expenses,

and it was entirely within the power of the Postmaster-General and in his judgment to control the matter entirely as to the amounts allowed for the expense accounts of these agents, or in any other matters where there was no limit fixed by law.

That, I believe, covers all the points that occur to me in connection with the matter.

The CHAIRMAN. If I understand you correctly, then, you say that your decision affecting the pay of these men was rendered subsequent to the appointment of the men you had recommended?

Mr. HOWARD. I did not render any decision on that question at all.

The CHAIRMAN. You got an opinion?

Mr. HOWARD. Yes; I got an opinion. I did not appoint the men. I suggested the names, at the request of the Post-Office Department, of these three men, and they were subsequently appointed. Then, when the secret agents were established, their numbers increasing, I called upon the Solicitor of the Treasury for an opinion whether it was legal to pay them or not, and I got an opinion from him that the Postmaster-General had a right to appoint them and it was proper to pay them.

The CHAIRMAN. And your ruling was based on that opinion?

Mr. HOWARD. I made no ruling on it. I went on and paid them. I paid them as the officials called mechanics had been paid out of the free-delivery fund prior to my advent in office. But the number of mechanics was increased to render this service, and the name "mechanic" was afterwards changed to "secret agent." So I wanted to find out whether this large expense was legal, and I called upon the Solicitor of the Treasury for an opinion, and he gave me his opinion that it was legal. I rendered no opinion on it. The only opinion I rendered was in the case of increased expenses. I held that there ought to be a limit somewhere, and, doubtless, I went beyond the power of an accounting officer in limiting the expenses to $4 a day, and I was overruled by the action of the Comptroller of the Treasury, to whom they appealed.

The CHAIRMAN. Do you care to make any further statement?

Mr. HOWARD. I do not desire to say anything further.

Senator CHILTON. What is your place of residence?

Mr. HOWARD. Tennessee.

Senator CHILTON. What place in Tennessee?

Mr. HOWARD. I live at Carthage, Tenn.

Senator CHILTON. You stated that the first appointment about which you were consulted was for a place at Nashville, Tenn.

Mr. HOWARD. The appointee lived at Carthage. He was a mechanic. I will take occasion to say right here that one of the statements I saw published was that I had a brother among these three men. I will just say that neither of the three men was in any degree related to me at all. That was a mistake. I do not know how it occurred.

Senator CHILTON. One man was located at Nashville, I understand?

Mr. HOWARD. Yes, sir.

Senator CHILTON. He was transferred to Memphis, Tenn.?

Mr. HOWARD. Yes, sir; he was afterwards transferred. They travel all over the country. He was up in cities East and West.

Senator CHILTON. At what time was this question raised by you about the validity of the employment? Did you raise the question after these men had been appointed at your request?

Mr. HOWARD. It was after the men had been appointed. It was after the three had been appointed that I raised the question.

Senator CHILTON. And the question about the compensation of all these secret agents——

Mr. HOWARD. All of them.

Senator CHILTON. That was afterwards, too?

Mr. HOWARD. That was subsequent to calling on the Solicitor for his opinion as to the legality of the appointments.

Senator CHILTON. In regard to the first question, you consulted the Solicitor of the Treasury?

Mr. HOWARD. Yes, sir.

Senator CHILTON. In regard to the second question, an appeal was taken from you to the Comptroller of the Treasury?

Mr. HOWARD. Yes, sir.

Senator CHILTON. Mr. Bowler?

Mr. HOWARD. Mr. Bowler. That is the status of the case.

Mr. PROCTER. How long have you been in the public service, Mr. Howard?

Mr. HOWARD. I was in during the past Administration, and, with the exception of the Administration preceding that, counting my entire term of service, I have been in very nearly sixteen years.

Mr. PROCTER. Then you have had an opportunity to see something of the character of the people who have been brought into the public service through certification by the Civil Service Commission?

Mr. HOWARD. Yes, sir.

Mr. PROCTER. I should like to have you state your opinion of the general character of their clerical work and their ability to fill the positions to which they have been assigned.

Mr. HOWARD. I think highly of the clerks who have been brought in through the civil service. They are an improvement over the old class of clerks.

GOVERNMENT PRINTING OFFICE.

Hon. F. W. PALMER, Public Printer, Mr. H. T. BRIAN, foreman of printing, and Mr. W. H. COLLINS, chief clerk of the Government Printing Office, appeared.

STATEMENT OF HON. F. W. PALMER, PUBLIC PRINTER.

The CHAIRMAN. Mr. Palmer, we shall be glad to hear anything you may have to say bearing on the enforcement of the civil-service law in the Government Printing Office.

Mr. PALMER. In the communication which I received from the committee there were some questions which I answered by letter.

The CHAIRMAN. Yes, sir; we have your letter. We shall be glad to have you make a statement as to the advisability of applying civil-service rules to the Government Printing Office. Do you think it advisable that those rules should be promulgated there; and if so, to what extent?

Mr. PALMER. My answer to the questions asked by the committee was, of course, of a general character. Here on page 72 of the printed report of the proceedings of the committee are given in groups a list of persons who are in the classified service as the service is applied to our office. There is the first group, the second group, and the third group. My statement, then, is as follows:

The only persons here who are not by these rules included in the classified service are charwomen and laborers employed in work outside of the Government Printing Office proper. Unskilled laborers employed inside the office are denominated as "helpers," and are included in the classified lists.

In answer to the third question as applied to the Printing Office, I stated:

As applied to this office, which is simply a great manufacturing plant, involving varied branches of skilled labor of high grade, the civil-service rules are, in my judgment, an obstruction rather than an aid to efficiency and economy. In my opinion the civil-service rules as promulgated for enforcement here should be modified radically, suspended, or repealed.

That is a general statement.

The CHAIRMAN. Any suggestions you have to make bearing on that subject we shall be glad to hear.

Mr. PALMER. If it will suit the committee, I shall be glad to be asked any questions involved in that general statement. Perhaps you can get the information you seek better in that way.

Senator LODGE. Mr. Palmer, what would you propose to substitute for civil-service rules?

Mr. PALMER. If it were left to my discretion I would substitute the system in force before the civil-service rules were applied.

Senator LODGE. That is, you would abolish the rules altogether?

Mr. PALMER. As applied to that office.

Senator LODGE. As applied to the Government Printing Office?

Mr. PALMER. Yes, sir.

Senator LODGE. Can you state how many persons now in the office were appointed under civil-service rules?

Mr. PALMER. I have not examined our rolls with reference to that point since I came in.

Senator LODGE. A small percentage, I suppose?

Mr. PALMER. A very small percentage, I should judge.

Senator LODGE. How is the force now; is it a good force?

Mr. PALMER. A reasonably good force, I suppose. I have hardly been there long enough to know the character of the work done by each individual.

Senator LODGE. Then the force was all appointed practically under the system you prefer?

Mr. PALMER. A large proportion of it was.

Senator LODGE. It was appointed under the system that you think better than the present one?

Mr. PALMER. I will state that, of course, the people who were appointed before the civil-service system was applied are, in a very large majority of cases, unknown to me. They were appointed by my predecessor.

Senator LODGE. But I mean the system was the same?

Mr. PALMER. Yes, sir.

Senator LODGE. Are they much better than those who have come in through the civil service?

Mr. PALMER. I can not speak for those who were appointed by my predecessor. I can speak for those who were appointed by me as being of a good character, else they would have been weeded out as their inefficiency was developed.

Senator LODGE. Is there anything in the civil-service rules to prevent you from weeding out all inefficient men in your office?

Mr. PALMER. No, sir.

Senator LODGE. Your power of removal is not interfered with at all?

Mr. PALMER. Not at all.

Senator LODGE. Then the only difference is in the matter of appointment?

Mr. PALMER. That is what I regard as very essential.

Senator LODGE. If the bulk of the force was appointed under the old system, it ought to be a pretty good force, ought it not?

Mr. PALMER. It ought to be, but it does not follow that it is.

Senator LODGE. No; I do not think it does. Why is it that the civil service gives you inefficient people?

Mr. PALMER. I think the rules themselves are unnecessarily cumbersome and complicated as applied to a manufacturing establishment such as the Government Printing Office is. Besides, I think my judgment, as the head of that office, as to the qualifications of an employee is a great deal better than that of any board outside of the office, who have no responsibility as to results.

Senator LODGE. But if the persons who come in through civil-service examination are inefficient, there is nothing to prevent their being removed at once. Are they not appointed first on probation?

Mr. PALMER. Yes, sir.

Senator LODGE. And if during that period of probation they do not appear to be good men, there is nothing to prevent their removal?

Mr. PALMER. But the period of probation I regard as an obstruction, for the reason that, under the rules, an employee has to remain six months before he can be promoted to a place where he would be more efficient. I regard that as a decided obstruction.

Senator LODGE. In a great manufacturing plant do they not test a man by his work?

Mr. PALMER. They test a man by his work, but they do not fix an arbitrary period by which he is to be judged. The person immediately in charge, or the person at the head of the establishment, is willing generally to trust himself to judge how long shall be the period of probation.

Senator LODGE. He tests him by actual experience?

Mr. PALMER. Yes; but he is not limited. He is not prohibited from promoting an employee when his efficiency is demonstrated.

Senator LODGE. If he thinks his efficiency is demonstrated; but, as I understand you, you think the men who come in through the civil service are inefficient, as a rule?

Mr. PALMER. No; I do not say that. I say that a man at the head of an establishment like that is a better judge as to the qualifications of an applicant than any outside board can be, who are just operating experimentally or upon a theory.

Senator LODGE. Perhaps I misunderstand the way it is done—if so, the president of the Civil Service Commission will be able to correct me—but I supposed that it was their duty merely to furnish, as you called for them, the names of men who had passed a certain examination. Is not that all they have to do?

Mr. PALMER. They do that. It is not all they have to do.

Senator LODGE. I mean you are not bound in any other way. If the men they furnish you are not good men you can turn them out just as soon as you are satisfied of their inefficiency?

Mr. PALMER. Yes; but the rules limit my scope for the selection of other men. That limitation is an embarrassment in the administration of the duties of the office.

Senator LODGE. That is, you think you could get better men if you could take men who had not passed the examination?

Mr. PALMER. Senator, let me illustrate. I was in control of that office for five years; I had an opportunity to learn pretty well the qualifications and the efficiency of employees. When I returned in the early

part of April I found that quite an element of the old force had been dismissed by my predecessor. In those five years I had, I think, learned who were the efficient men. I wanted some of those men back. Some of them were the most skillful men, in their particular classes of work, I have ever seen in the business. Some of them can not pass an examination—a theoretical examination—before the Civil Service Board; yet they are the most efficient workmen in the whole trade. Now, if they are unwilling or unable to pass a civil-service examination, I am prohibited practically from having the benefit, and the Government is prohibited from having the benefit, of their services.

Senator LODGE. How did they happen to be turned out?

Mr. PALMER. I do not know the motives of my predecessor, but they were turned out. It is difficult for one man to determine what is in the mind of another man.

Senator LODGE. As I understand it, Mr. Benedict was operating under the same system that you think is the right one?

Mr. PALMER. Yes; but you asked me what his motives were for turning them out.

Senator LODGE. I asked why those men were turned out if they were so highly efficient.

Mr. PALMER. I say I am not able to answer. I did not have the control of the mental operation of my predecessor, so that I could answer that question. They were turned out.

Senator LODGE. That, of course, is perfectly true, but Mr. Benedict, I suppose, was a practical man; he had been there before, at all events; and you say he turned out some of the most efficient men in the office.

Mr. PALMER. I said I found that they had been removed by my predecessor.

Senator LODGE. Then they certainly were not removed because they had failed in their duties.

Mr. PALMER. I can not tell what they were removed for, but they were removed. I am speaking of my embarrassments in getting such men back.

Senator LODGE. I understand that; but these men, you say, were the most efficient men there?

Mr. PALMER. They were among the most efficient.

Senator LODGE. A number of them were among the most efficient men there?

Mr. PALMER. Yes, sir.

Senator LODGE. They were turned out by your predecessor, who was also a practical man, under the same system, the restoration of which you advocate? Is not that the case?

Mr. PALMER. Yes, sir; that is it.

Senator LODGE. Then the old system does not protect an efficient man in the service?

Mr. PALMER. The present system does not protect an efficient man in the service. He may be turned out.

Senator LODGE. No; but what I want to get at is the question, if the men were efficient how they happened to be turned out.

Mr. PALMER. I have answered you as clearly as I know how, Senator.

Senator LODGE. You think they are still efficient?

Mr. PALMER. I do; and the evidence of it is the fact that in going into other cities they get the best kind of places. That is a recognition of their skill.

Senator LODGE. Then they must have been turned out for some other reason than because of their inefficiency?

Mr. PALMER. I can not say what they were turned out for.

Senator LODGE. Is it not fair to suppose that they were turned out either for inefficiency or for some other reason?

Mr. PALMER. Well, that is open for any man's inference.

Senator LODGE. If they were not turned out for inefficiency (and, of course, we can not assume that they were turned out for inefficiency, because you regard them as still the most efficient persons, and their getting employment elsewhere proves that), they were turned out for some other cause?

Mr. PALMER. Yes.

Senator LODGE. And that other cause, I suppose we all know, is politics?

Mr. PALMER. Very likely.

Senator LODGE. They were turned out presumably because their places were wanted by Democrats. Now, your idea is to restore the same system?

Mr. PALMER. If I had the power I would do so.

Senator LODGE. And you think that would be an advantage to the service?

Mr. PALMER. I do, for that office. I do not say it would be an advantage as a general system. I do not say that. I mean for running a manufacturing plant.

Senator LODGE. Is that the way that other printing establishments are run in the country?

Mr. PALMER. Other printing establishments are run by the heads of those establishments; not by any board outside.

Senator LODGE. Unquestionably; but does politics enter into the appointment of the men?

Mr. PALMER. Ordinarily in manufacturing establishments I presume not.

Senator LODGE. Can you exclude politics from entering into the appointment of men in a Government office?

Mr. PALMER. No, sir; I can not. Not under the old system.

Senator LODGE. Then the old system is not exactly that which is employed in the great manufacturing plants?

Mr. PALMER. The conditions are not entirely similar.

Senator LODGE. You say, as applied to the Printing Office, it is simply a great manufacturing plant. Then under the old system it was not run simply as a great manufacturing plant?

Mr. PALMER. Well, it is a manufacturing plant.

Senator LODGE. So it is a manufacturing plant, but it is a manufacturing plant run with a view to the political opinions of the persons employed?

Mr. PALMER. Not with a view to that. That is an incident.

Senator LODGE. I mean it is a part of it.

Mr. PALMER. It is an incident.

Senator LODGE. That incident does not occur in ordinary manufacturing plants.

Mr. PALMER. I presume not, ordinarily. It may enter as an element in an individual or corporate manufacturing plant.

Senator LODGE. I do not know so much about manufacturing plants for printing, but I know something about other manufacturing plants. In my own State I do not think the politics that enters into the employment of the workman amounts to very much.

Mr. PALMER. I presume not, ordinarily.

Senator LODGE. I think it depends entirely on their efficiency and

ll. The point I wanted to bring out (and if I am wrong you will rect me) is that a Government office necessarily has incidents which not occur in other manufacturing plants.

Mr. PALMER. I presume that is true.

Senator LODGE. As a private manufacturing plant would not apply the Civil Service Commission to furnish it lists of men, so a private anufacturing plant would not apply to Senators and Members of Congress for persons to take part in the work?

Mr. PALMER. I think that is a fair statement.

Senator LODGE. Then does not the question really come down to this: Whether, on the whole, you get better men through political recommendations or through the lists furnished by a commission?

Mr. PALMER. I think the old system gives the head of that establishment a wider range from which to select efficient men than under he present system. This circumscribes it to a particular list of people.

Senator LODGE. Can not that list be extended indefinitely?

Mr. PALMER. It may be, but it is a cumbersome system. A man who s at the head of such an establishment may, in an emergency, want a articular line of skill or ability, and the machinery for the selection of he men he wants is such that it is embarrassing.

Senator LODGE. I do not know that I am right about this, but in an mergency are you not able to take men on for ninety days, or something f that sort, without an examination?

Mr. PALMER. If there are no eligible lists to select from I can. If here is an eligible list I have to select from that.

Senator LODGE. But I mean if there is a sudden call for men on ccount of an emergency, is there not a right of temporary employment?

Mr. PALMER. No, sir.

Senator LODGE. How is that, Mr. Procter?

Mr. PROCTER. Yes, sir.

Mr. PALMER. But there is an eligible list.

Mr. PROCTER. Yes; by an arrangement they can be taken on for hirty days. May I answer the question?

Senator LODGE. Certainly; we would like to get the exact fact.

Mr. PROCTER. For instance, there is an eligible list of people residing inside the District of Columbia, and if there is an emergency there is a provision for thirty days, so you may appoint regardless of the list as soon as you can find the people ready here to go to work tomorrow morning.

Mr. PALMER. Suppose there is an eligible list of persons in this city?

Mr. PROCTER. Certainly, of men ready to report to-morrow morning; and if they do not report you can take men from outside the list.

The CHAIRMAN. I should like to ask a question. I have an applicant from my State, Mr. Garland, who was discharged from the Government Printing Office solely on the ground that he was a Republican. He has passed an examination. He has not been certified yet for appointment. Can he be appointed from my State?

Mr. PROCTER. Yes he could be, that is, if——

The CHAIRMAN. There is no list from my State, I understand?

Mr. PROCTER. We do not keep lists from the States.

Senator CHILTON. Not for that particular office?

Mr. PROCTER. No, sir.

Senator CHILTON. Why do you not keep lists?

Mr. PROCTER. Simply to meet such emergencies as Mr. Palmer has called forth. There is no apportionment.

Senator LODGE. How about the quotas?

Senator CHILTON. You do not recognize them?

Mr. PROCTER. We do not recognize the quotas. But the Commission does not allow the District people to go on anything except an emergency list. It makes up the regular list from people outside of the District.

The CHAIRMAN. Is it not possible, then, under the system inaugurated, for the Public Printer to fill up the Printing Office solely with residents of the District?

Mr. PROCTER. No; not where you take them on for an emergency, because they go off at the expiration of the emergency, and the regular appointments would be made from the list of those outside of the District.

Senator LODGE. But in all other branches of the service, as I understand it, each State has its quota?

Mr. PROCTER. Each State has its quota.

Senator LODGE. So as to make the fullest possible distribution to all the States. Is not that the case?

Mr. PROCTER. That is the case.

Senator LODGE. The rule as to quotas does not apply to the Government Printing Office?

Mr. PROCTER. No; it does not apply to the Government Printing Office because the Public Printer objected that it hampered him to be compelled to send to Oregon or Maine for appointments when Congress was in session. But the Commission has been trying to bring up the quotas of the outside States without the law directing it, and it has succeeded, in a measure, in doing so. The apportionment does not apply to the Bureau of Engraving and Printing nor to the Government Printing Office. It applies to everything else in Washington.

Senator LODGE. Then the rule about quotas was not applied to the Printing Office?

Mr. PROCTER. No.

Senator LODGE. Because the Public Printer, that is, Mr. Benedict, to whom you are referring, I suppose, thought it would hamper him?

Mr. PROCTER. Yes; although the President in making the rules instructed the Commission that so far as possible they should try to bring up the quota from the outside States without hampering the Public Printer in cases of emergency.

Senator LODGE. Then, as I understand, there is nothing to prevent removal? [To Mr. Palmer.] You can remove everyone whom you think is inefficient, but you are obliged to call on the Civil Service Commission for lists of names to select from?

Mr. PALMER. Yes.

Senator LODGE. Can you not call on them indefinitely for names until you get efficient men?

Mr. PALMER. If they have lists of eligibles I can.

Senator LODGE. Suppose you can not get from their lists efficient men, that their lists are not able to furnish you efficient men, that their lists are exhausted, then you can bring in men from outside?

Mr. PALMER. I can make temporary appointments. They are only temporary.

Senator LODGE. You can make a temporary appointment of anybody you wish?

Mr. PALMER. Yes; to serve for the period the chairman of the Commission mentions.

Senator LODGE. Do you think it is impossible to get efficient men through the Civil Service Commission?

Mr. PALMER. My judgment is that it limits my power to put good men on. For instance, there are certain localities in the United States

where there are more skillful bookbinders than there are in other localities. I should like to have the privilege of selecting what I deem the most skillful men from any localities, and not be limited to any particular list of people who are furnished me from anywhere. I have no prejudices against this system when properly administered. All I want is results. I am simply judging by my experience in the office in previous years.

Senator LODGE. Under the old system, as I understand it, the most efficient men, or many of the most efficient men in the office, were turned out?

Mr. PALMER. Many were turned out.

Senator LODGE. They are the persons whom you desire to get back?

Mr. PALMER. Some of those. Some of the best pressmen I ever saw were dismissed, and I am unable to get them back in my own discretion.

Senator LODGE. What is the nature of the examination that shuts them out?

Mr. PALMER. They are asked questions in writing, arithmetic, geography, and other branches, and they are also examined as to their technical knowledge of the particular branch they are in. That portion of the examination I have not been able to get information upon as fully as I would wish, but my point is that no examination like that tests the practical ability of a mechanic as fully as a series of days or weeks or months of service demonstrate.

Senator LODGE. I think that is probably true, but I do not understand exactly how this system prevents that test of skill.

Mr. PALMER. My point is that it circumscribes a man's field for the selection of men.

Senator LODGE. That is, you think the best men are those who can not pass this examination?

Mr. PALMER. Oh, no; that is very far from my assumption; but I say the best men may be those who do not care to take the examination. That is what I mean to say. There may be a good bricklayer, or a good stonemason, or a good blacksmith who could not write his name, yet he may be an exceedingly good mechanic.

Senator LODGE (to Mr. Procter). Do I understand that mechanics of that sort have to undergo an educational examination?

Mr. PROCTER. They do not.

Senator LODGE. In this first group of skilled laborers——

The CHAIRMAN. Is it a fact that pressmen are not required to pass such an examination?

Senator LODGE. I was coming to that. Mr. Palmer was speaking of bricklayers, stonemasons, and blacksmiths, which correspond, I suppose, to this first group of skilled laborers.

Mr. PALMER. If you will permit me, Senator, I think the first group includes people who should not be classed as skilled laborers. I think it is most decidedly a misnomer, as applied to them.

Senator LODGE. Taking the group which is called skilled laborers—the first group—will you state, Mr. Procter, what the examination is in regard to those people?

Mr. PROCTER. Some of those are not examined; there is nothing but a registration. The Commission is enlarging every week the scope of the registration, which demonstrate by registration that persons have served either an apprenticeship or a certain length of years in their respective trades, with certificates of the people for whom they have worked and certificates as to the general physical condition. Some of

those, of course, are not included in the first group, because they are mere laborers.

I should like to state, in regard to the examinations, that all of the examinations in the Public Printing Office are arranged by a commission of printers and binders in the Printing Office. They are nominated by the Public Printer, because they are supposed to be the best men in their respective lines of work. They are members of the civil-service examining board, and that board of skilled bookbinders, printers, and pressmen are the men who get up these examinations.

Senator LODGE. Do I understand that the examinations are not gotten up by the Civil Service Commission?

Mr. PROCTER. Not at all; they are gotten up by skilled artisans in the Printing Office.

Senator LODGE. They are gotten up by men who are in the trades themselves?

Mr. PROCTER. By men who are in the trades themselves. Also, the people who are certified are notified that when they go to the Printing Office they must undergo such a practical test as the Public Printer will indicate.

The CHAIRMAN. What examination is a stableman required to take?

Mr. PROCTER. None whatever.

Mr. PALMER. Then why is the unskilled laborer included, if you will permit me to ask a question?

Mr. PROCTER. Because we have arranged a system of registration for those people.

Senator LODGE. Is the system of registration like that employed in navy-yards.

Mr. PROCTER. No; the system of registration in navy-yards is a time registration; the man who registers first goes to the head of the list. The system of registration which the Commission has inaugurated is in some sense competitive, because the persons are marked on the different elements which they have indicated in the registration, and they are graded on those.

Senator LODGE. But they are not subject to examination?

Mr. PROCTER. They are not subject to examination. I will say here, Senator, if you will permit me, that three men passed the skilled-laborers' examination in the last two months who signed with a mark. They could neither read nor write; they could not sign their names, but they passed a very high examination.

Senator LODGE. Were they asked questions or was the examination based on their certificates from former employers?

Mr. PROCTER. On certificates of ability.

Senator LODGE. From former employers?

Mr. PROCTER. Yes, sir.

The CHAIRMAN. Is a wagon master required to stand any kind of an examination before he is appointed under the civil service?

Mr. PROCTER. I think not; I am not sure. I can not answer as to all the details; but where a man is not supposed to exercise any clerical ability whatever in the transaction of his business it is the object of the Commission not to examine him in clerical qualifications.

The CHAIRMAN. Are the ladies who are employed to run the stitching machines and to do such work required to stand an examination?

Mr. PROCTER. I can not answer as to that. All those examinations are gotten up in the Printing Office, and I would have to look over the list.

The CHAIRMAN. You do not know how that is?

Mr. PROCTER. No, sir.

Senator LODGE. The registration lists are based largely on certificates of efficiency from former employers?

Mr. PROCTER. Yes, sir.

Senator LODGE. With a preference to persons who have been in the Army of the United States?

Mr. PROCTER. Yes; and of course the length of service counts for something. I do not know just what weight is given to length of service along the different lines, but a man who spent eight years, for instance, in a given trade would have a rating a little higher than a man who had been in the trade five years.

The CHAIRMAN. Are blacksmiths and carpenters classified?

Mr. PROCTER. Yes; but they are examined by registration.

Senator LODGE. The regular civil-service examinations, so called, which include what may be called the educational tests, apply practically to what persons in these lists?

Mr. PROCTER. They apply to compositors, proof readers, pressmen, bookbinders.

Mr. PALMER. Stereotypers.

Mr. PROCTER. Stereotypers.

Mr. PALMER. Electrotypers.

Mr. PROCTER. I think electrotypers.

The CHAIRMAN. Mr. Procter, do you not think it would be a wiser and more direct method of employing these persons if they should be selected as you suggest, but to permit the Public Printer or someone designated by him to make the examination, and leave it in the discretion of the Public Printer?

Mr. PROCTER. That is exactly what we do.

The CHAIRMAN. So it is within the discretion of the Public Printer?

Mr. PROCTER. Absolutely. The board of examiners is appointed by the Commission on the nomination of the Public Printer.

Senator LODGE. And they can establish any examination they see fit?

Mr. PROCTER. Any sort of an examination that they deem best suited to bring out the qualifications they want.

The CHAIRMAN. So that does obviate the necessity of keeping a register by the Civil Service Commission?

Mr. PROCTER. While the Public Printer and the skilled artisans in the Printing Office are the people who get up the character of the examination, the Civil Service Commission must guarantee the fairness of that examination, and the fairness of keeping the register, and the granting of certificates. That is all the Civil Service Commission has to do in the matter.

The CHAIRMAN. By whom are these parties examined?

Mr. PROCTER. By the Civil Service Commission.

The CHAIRMAN. They are not examined, then, by the gentlemen designated by the Public Printer?

Mr. PROCTER. No; but those gentlemen are called in to aid in the marking of the papers.

The CHAIRMAN. Do you not think that more efficient men could be obtained by allowing the men who are practical printers, men employed there in the Government Printing Office, to conduct the examination?

Mr. PROCTER. They do it, practically.

The CHAIRMAN. I do not understand it.

Senator ELKINS. They are appointed on the nomination of the Public Printer.

The CHAIRMAN. Mr. Procter says the Public Printer nominates the

men and they promulgate a series of questions by which the Civil Service Commission are directed in their examinations. Now, the question I ask is: Whether you would not get more efficient men by leaving the matter entirely to the jurisdiction of the persons named by the Public Printer?

Mr. PROCTER. No; because the Commission must guarantee the fairness of the examination, and it must become responsible for these men, that they are impartial and properly qualified.

Senator LODGE. All you do, as I understand, is to take the questions which the board appointed by the Public Printer supplies you with, and they assist you in conducting the examination, and you return the results of the examination?

Mr. PROCTER. That is practically all.

Mr. PALMER. May I ask Mr. Procter a question?

The CHAIRMAN. Certainly.

Mr. PALMER. These so-called examiners in reality simply examine the papers after the examination and do the rating up. Is not that true?

Mr. PROCTER. No; they indicate the character of the examination they wish the Commission to hold. The Commission at any time would change the character of the examination if a change was recommended by the board of skilled men or experts in the Printing Office.

Mr. PALMER. Would I be at liberty to select those examiners?

Mr. PROCTER. Yes; you would be at liberty to do so. We have a board now.

Mr. PALMER. I understand that.

Mr. PROCTER. And of course if the Public Printer should object to any member of that board and wish to nominate others, that is a matter for the Commission to take up.

Mr. PALMER. But the Public Printer has no power except with the consent of the Commission?

Mr. PROCTER. We have now a nonpartisan board composed of persons in the Printing Office representing all political parties.

Senator CHILTON. What is the number of the board?

Mr. PROCTER. I do not now remember.

Mr. COLLINS. May I ask a question right here?

The CHAIRMAN. Yes, sir; Mr. Collins is the chief clerk of the Government Printing Office and he has been asked to come before the committee.

Mr. COLLINS. I was designated under the civil service on the 22d day of July, 1895, to be a member as compositor of the board of civil-service examiners of the Government Printing Office. I desire to ask Mr. Procter if I was designated as a member of one of the boards that was intended to formulate the questions to be asked applicants for examination before the Civil Service Commission?

Mr. PROCTER. You are on the board?

Mr. COLLINS. I held a commission signed by you, sir, as a compositor member of the board of examiners for the Government Printing Office.

Mr. PROCTER. Who is the secretary of your board?

Mr. COLLINS. I do not know, sir. I am unable to state. Never having acted in that capacity, I am unable to answer the question.

Mr. PROCTER. Do you hold a commission from the Civil Service Commission?

Mr. COLLINS. I do, sir.

Mr. PROCTER. Do you know any of the members of your board?

Mr. COLLINS. The only other member that I know is a man by the name of A. P. Marston, who told me he was a member of that board. I have never seen his commission, but I have in my possession to-day a commission from the Civil Service Commission as a compositor member of the board of examiners for the Government Printing Office. I have never been called upon to act in that capacity. On the contrary, within ten days after I received the commission, I was sent for by Mr. Baker, the secretary of the then Public Printer, and advised not to act upon the board unless requested to do so by the Public Printer.

Mr. PROCTER. Will you please give to the committee the names of the members of the board, so that they can be summoned.

Mr. COLLINS. I am unable to do so, because I do not know them. I do not know the names of the members of the board. I have never had any meeting with them.

Mr. PROCTER. I will furnish the names.

Senator LODGE. Who prevented you from serving on the board?

Mr. COLLINS. Mr. Albert Baker, the secretary of the then Public Printer, sent for me to come to his room. I went there, and he advised me that I was not to act upon that board unless I was requested to do so by the Public Printer, and never having been requested to act upon the board by the Public Printer, I have never acted.

Senator LODGE. Then the power of acting on the board rested with the Public Printer?

Mr. COLLINS. It seemed so, sir.

Senator LODGE. And not with the Civil Service Commission?

Mr. PALMER. May I ask Mr. Procter a question?

The CHAIRMAN. Certainly; any question you desire. We want to get at the bottom of this question.

Mr. PALMER. Are helpers examined by the Civil Service Commission?

Mr. PROCTER. Skilled helpers?

Mr. PALMER. Helpers are called skilled laborers. Are they examined?

Mr. PROCTER. Yes.

Mr. PALMER. Do you know what are the duties of helpers in that office?

Mr. PROCTER. Yes; to a limited extent.

Mr. PALMER. I will tell you. They are anything in the world but skilled laborers, and they are classed as helpers.

The CHAIRMAN. What duties do they perform?

Mr. PALMER. They are employed to carry forms of type, bundles of paper, sheets of paper after they have been printed and folded, books, etc., and to do anything requiring the use of muscle. Muscle is the chief qualification for helpers.

The CHAIRMAN. And those men are classified?

Mr. PALMER. Yes.

Mr. PROCTER. Those are men and women?

Mr. PALMER. They are chiefly men. They are all men, are they not, Captain Brian?

Mr. BRIAN. They are all men, sir.

Mr. PALMER. They are classed as skilled laborers. May I ask another question?

The CHAIRMAN. Certainly; any question you desire.

Mr. PALMER. Are press feeders examined?

Mr. PROCTER. Yes.

Senator LODGE. What is the nature of the examination for helpers and press feeders?

Mr. PROCTER. I should like to answer as to the examination. As I

said before, all of the examination is gotten up in the Printing Office. It is a very simple examination. We relied on this board to tell us the qualifications they wanted. In the first place you must remember that the Printing Office was not classified by the Civil Service Commission, but by the Public Printer. The Commission had nothing to do with the classification. The classification was brought about by a petition of the printers and skilled people in the office, who wanted to put an end to having the whole force of the office changed every four years, and who informed the Commission that persons were put in there who could not perform the duties—who knew nothing about the duties. The Commission, knowing very little about the respective duties of these different trades, of course, had to call in the trades to advise about the examinations.

Senator LODGE. I should like to ask what was the attitude of the unions or the organized labor of the printing offices in regard to the matter?

Mr. PROCTER. First a committee of the Columbia Typographical Union waited on the Civil Service Commission and asked us to bring the matter before the President. They said that they wished the Printing Office classified; I believe they brought a petition. Afterwards a committee from the Printing Office, representing all the trades, waited on the Commission and asked that a rule be submitted to the President for classifying the Printing Office. That rule was prepared at the instance of the trades unions and the printers, pressmen, and bookbinders in the office, and carried to the President. As I remember, the President remarked, "Well, if these trades people want it, I think we had better let them try it."

Senator ELKINS. President Cleveland?

Mr. PROCTER. Yes.

Senator LODGE. Did the printers' typographical unions favor the change?

Mr. PROCTER. They not only favored it, but brought it about. It was not contemplated until it was brought about by the trades unions and the people in the Printing Office.

Senator LODGE. On what ground?

The CHAIRMAN. Do you mean the typographical unions of the country generally, or simply those in the District?

Mr. PROCTER. We received petitions from typographical unions in different parts of the country, and particularly from several in Washington City.

The CHAIRMAN. They were the principal movers in asking that the office be placed under civil service?

Mr. PROCTER. Yes, sir.

The CHAIRMAN. I thought so.

Senator LODGE. The unions generally act together, do they not?

The CHAIRMAN. Not altogether. I think there is quite a diversity of opinion on this subject.

Senator LODGE. What was the ground upon which the printers based their request?

Mr. PROCTER. The ground is better stated in the report of the committee of the Columbia Typographical Union, which I will give you, than I can state it.

Senator LODGE. There is another point upon which I wish to ask a question. If the examinations are unsuitable in any of the different classes, is there anything to prevent a reorganization of the board by the Public Printer and a change in the character of the examination?

Mr. PROCTER. Nothing, provided the Public Printer will nominate persons representing different political parties and people whom the Commission believe are well skilled in their respective trades.

Senator LODGE. Why should politics enter into it at all?

Mr. PROCTER. Because the law requires that the board shall be composed of persons representing different political parties.

Senator LODGE. Oh!

Mr. PROCTER. That is in the original law.

Mr. PALMER. May I ask the president of the Commission a question?

The CHAIRMAN. Certainly.

Mr. PALMER. As I understood the statement made by the president of the Commission, it was that the movement for the change of system in the Government Printing Office was made by the typographical unions. Is that true?

Mr. PROCTER. Yes; by the typographical unions and committees representing the employees in the Public Printing Office.

Mr. PALMER. Do you understand that the typographical unions throughout the country are in favor of this system as applied to that office?

Mr. PROCTER. Yes, I do.

Mr. PALMER. Do you not know that the International Typographical Union at its last session, in convention, declared against it?

Mr. PROCTER. Yes; because the delegates of the Columbia Typographical Union had declared against it, which declaration afterwards repudiated by a full meeting of the union in Washington City.

Mr. PALMER. But as an international organization it is opposed to the system?

Mr. PROCTER. No; it first approved it. Then when those delegates, as I say, went to the typographical union and made representations which did not represent the Columbia Typographical Union, it receded from that position, after having advocated it?

Mr. PALMER. And opposed it?

Mr. PROCTER. And passed a resolution opposing it.

Mr. PALMER. That is what I supposed.

Mr. PROCTER. But I will state that all the trades' unions in Philadelphia, only day before yesterday, representing all the trades of the city, passed resolutions indorsing the application of the civil-service rules to all the Departments.

Senator LODGE. If the examinations are unsuitable there is nothing to prevent their being changed?

Mr. PROCTER. Nothing whatever. We are changing our examinations all the time on suggestions of the various Departments that they want this or that change made.

Senator LODGE. And the Public Printer is able, with you, to reorganize the board and change the examination?

Mr. PROCTER. Certainly.

Mr. PALMER. May I be permitted to ask a question?

Senator LODGE. Certainly.

Mr. PALMER. Could the Public Printer do that of his own motion?

Mr. PROCTER. Certainly.

Mr. PALMER. Without the consent of the Civil Service Commission?

Mr. PROCTER. No; certainly not.

Mr. PALMER. So the Commission hold the question in their power.

Senator LODGE. Has the Commission refused to make any changes in the examination?

Mr. PALMER. It has, most decidedly.

Mr. PROCTER. What refusal?

Mr. PALMER. I asked the Commission to give me authority to appoint a cashier for the Government Printing Office.

Mr. PROCTER. That has nothing to do with the examination.

Mr. PALMER. I asked that that might be done by the Commission in the interest of the office, and the request has not been granted.

Senator LODGE. The office of cashier hardly belongs to the mechanical trades.

Mr. PALMER. It is a very important factor.

Senator LODGE. It is a very important place, undoubtedly; but I was trying to get at the facts as to the force of the office. How is the cashier appointed?

The CHAIRMAN. How was the present cashier appointed? Did he pass a civil-service examination?

Mr. PALMER. The chief clerk is now the acting cashier until I can have authority to select my own cashier.

Senator ELKINS. Do you want that authority, General?

Mr. PALMER. I do, most assuredly.

Senator ELKINS. Why do you want it?

Mr. PALMER. Because the cashier holds in his hands a very responsible trust, and I wish to know that the man who exercises that trust is qualified for it.

Senator ELKINS. Are you under bond?

Mr. PALMER. I am.

Senator ELKINS. How much?

Mr. PALMER. For $100,000.

Senator ELKINS. Is your cashier under bond?

Mr. PALMER. He is not. His character is better than any man's bond.

Senator ELKINS. Do the present civil-service rules or the law require the cashier to give bond?

Mr. PALMER. No, sir.

Senator ELKINS. You are not permitted to appoint your cashier?

Mr. PALMER. I am not. I am not permitted to select him on my own motion.

Mr. PROCTER. You have the right to require any bond of your cashier that you may wish.

Mr. PALMER. Oh, yes.

Senator ELKINS. That would be to you individually and not to the Government?

Mr. PALMER. Yes, sir; to me individually.

Senator ELKINS. Do you give a personal bond or a bond through an insurance company?

Mr. PALMER. A personal bond.

Senator ELKINS. Of $100,000?

Mr. PALMER. Yes.

Senator ELKINS. And the sureties have to be approved by whom?

Mr. PALMER. By the Secretary of the Treasury.

Senator ELKINS. The cashier handles how much money? How much is he responsible for at any given time?

Mr. PALMER. He handles between $3,000,000 and $4,000,000 a year.

Senator ELKINS. What is his compensation?

Mr. PALMER. Two thousand four hundred dollars; that is, the present acting cashier's compensation is $2,400 as chief clerk. The cashier proper has $2,000.

Senator CHILTON. Did you remove the cashier who was there when you came in?

Mr. PALMER. I did.

Senator CHILTON. And you simply devolved the duties on your chief clerk—is that the idea?

Mr. PALMER. Yes, sir; for the time being.

Senator CHILTON. On the question of bond I suppose it would apply either way; you could require your own appointee to give bond or require the civil-service appointee to give bond?

Mr. PALMER. Yes, sir.

Senator CHILTON. And in either case it would be a bond to you individually?

Mr. PALMER. I consider the character of the employee to be more important than the bond.

Senator ELKINS. Could you require him to give a bond of $50,000 or $100,000 and not permit him to exercise the duties of the office if he did not do so?

Mr. PALMER. Nobody would ask so large a bond.

Senator ELKINS. Suppose you did. Is it not in your discretion if you can require a bond without the permission of the Civil Service Commission?

Mr. PALMER. Yes, sir.

Senator ELKINS. Suppose you should require one of $50,000 and he could not give it?

Mr. PALMER. No man would give such a bond.

Senator ELKINS. Then you would not have that man for cashier?

Mr. PALMER. No, sir.

Senator ELKINS. I would not take a cashier to disburse $3,000,000 a year unless he would give a bond of $50,000; that is to say, if I could help it, if Mr. Procter would allow it. You have it in your power, then, to exclude him? Mr. Procter, has the Public Printer that power?

Mr. PROCTER. He has the power to require any bond he desires.

Senator ELKINS. If he does require a bond and the man does not give it, then he is out?

Mr. PALMER. I do not consider the bond as the only security.

Senator ELKINS. Would he not be put out? Suppose I were Public Printer, and that I were to appoint Mr. Procter as cashier and he would not give the bond, would he not have to quit?

Mr. PALMER. He would be pretty apt to.

Senator ELKINS. Why do you not make a man leave who does not give a bond to suit you?

Mr. PALMER. I choose to combine both.

Senator ELKINS. Both, of course; but I should like the bond, too, pretty well.

Mr. PALMER. I do not want a man in there whom I do not know to be qualified.

Senator ELKINS. If there is a regulation requiring the head of a Department to give bond, he ought to require his subordinates to give bond; and if a subordinate can not give the bond the head of the Department has to find some man within the 87,000 on the eligible list (is it that number, Mr. Procter?) who will give the bond.

Mr. PROCTER. Anybody in the Government service anywhere in the United States can be transferred to that position.

Senator ELKINS. Mr. Palmer, did the cashier who was there before you came in give bond?

Mr. PALMER. No, sir; he did not. Do you mean the one who was there before?

Senator ELKINS. Yes.

Mr. PROCTER. Who was the cashier?

Mr. PALMER. During the last administration?

Mr. PROCTER. Yes.

Mr. PALMER. Mr. Collins, what was his name?

Mr. COLLINS. Mr. Teal. He did not give bond.

Senator ELKINS. He was not under bond?

Mr. COLLINS. No, sir.

Senator LODGE. As to the particular place of cashier, it may be a place which should be excepted as a confidential position. That is only one officer. It does not affect the whole Government Printing Office. What I wish to get at is the general conduct of the large body of men. If the examinations can be changed and made suitable by the board of examiners, as to which the Public Printer is consulted, what is there in the way of having an examination that would suit you, Mr. Palmer?

Mr. PALMER. If I could have the selection of the examiners, in my judgment it would go a great way toward remedying the present condition of things.

Senator LODGE. Of course you have to comply with the law as to its being a board representing different political parties, just as the President has to comply with the law requiring that the members of the Civil Service Commission shall be taken from different political parties. Is there any reason to suppose that the Civil Service Commission would not join with you in making a board which you would consider suitable?

Mr. PALMER. I do not know.

Senator LODGE. How did you make your last board, Mr. Procter?

Mr. PROCTER. It was made upon the nomination of the Public Printer.

The CHAIRMAN. At what date was that done?

Mr. PROCTER. Soon after they were classified.

Senator ELKINS. Did you accept his nominees?

Mr. PROCTER. Yes, sir; we consulted. He nominated one or two men, I think, for each position, and we sent over and consulted with the same committee of printers and bookbinders about the qualifications of the different men.

The CHAIRMAN. How many men were nominated to comprise the board?

Mr. PROCTER. I am not positive; I think it was five or seven. Mr. Wales, do you know?

Mr. WALES. It was five or seven; I do not know which.

The CHAIRMAN. Do you know of any reason why the printers should refuse to have Mr. Collins act on the board?

Mr. PROCTER. There is no reason I know of.

The CHAIRMAN. Do you know whether or not he was in accord with the Public Printer as to politics?

Mr. PROCTER. I do not know.

The CHAIRMAN. You do not know what his politics is?

Mr. PROCTER. No, sir; he had a right—it was his duty—under his commission, to have demanded to act with the board.

Senator ELKINS. How many hours do the employees of the Government Printing Office work?

Mr. PALMER. Eight hours.

Senator ELKINS. How much time do they have for lunch at noon?

Mr. PALMER. They have a half hour.

Senator ELKINS. Then they work seven and a half hours?

Mr. COLLINS. Eight hours.

Mr. PALMER. They have eight hours, but they voluntarily, I believe,

hortened what was formerly one hour for noon to a half hour, and get ff one half hour earlier in the afternoon.

Mr. COLLINS. They still work eight hours.

Senator ELKINS. They are there eight and a half hours?

Mr. COLLINS. They commence work at 8 and stop at half past 4, and ıave a half hour for lunch.

Senator ELKINS. They work actually eight hours?

Mr. COLLINS. Yes.

Senator ELKINS. Do all your employees do that?

Mr. PALMER. Yes, sir; except the clerks.

Mr. COLLINS. Except the clerical force. They work from 9 till 4.

Senator ELKINS. Who regulates that? Why is it that a clerk gets ihorter hours? Does he have a half hour for lunch, too?

Mr. COLLINS. Yes.

Senator ELKINS. How much difference does that make between a ;lerk and an employee of another class—an hour and a half a day?

Mr. COLLINS. An hour and a half a day.

Senator ELKINS. Six hours and a half a day and eight hours a day. Who regulates the eight hours; the law?

Senator LODGE. The law?

Mr. PALMER. The law regulates it.

Senator ELKINS. Do you have an eight-hour law for employees, outside of clerks, and a six-and-a-half hour law for clerks?

Mr. PALMER. The clerical force is governed by the same rule that governs clerkships in the several Departments.

Senator LODGE. The mechanical force is under the general eight-hour law, which was passed a great many years ago and which applies to all the navy-yards, arsenals, and all mechanical work.

Senator CHILTON. Senator Elkins desires to know—and it is very pertinent—why clerks work less time than other employees?

Senator LODGE. It is pertinent.

Senator ELKINS. Why do they work less time and get more pay than the other force?

Mr. PALMER. They are governed by the general rule which applies to other Departments.

Senator ELKINS. Is it custom or law?

Mr. PALMER. I do not think there is any law.

Senator ELKINS. Why do you require one part of your employees to work eight hours a day and the other six and a half hours?

Mr. PALMER. It has been the custom of the office since it was founded.

Senator ELKINS. If you were managing the department in any other way would you do that?

Mr. PALMER. I do not know.

Senator ELKINS. I desire Mr. Procter's attention to this point, too. Mr. Palmer, if you were managing a great business concern would you make part of your employees work six and a half hours and another part eight hours, and give the six and a half hour people more pay?

Mr. PALMER. I do not think there is a parallel between the duties of :he mechanical and the duties of the clerical force.

Senator ELKINS. Which do you think is the more difficult?

Mr. PALMER. It depends upon circumstances.

Senator ELKINS. Do you think there is any good reason for making :hat distinction?

Mr. PALMER. There may not be. I will not undertake to answer :hat question.

Senator ELKINS. You are a practical man and have had large expe-

rience. If there were a corporation in the country of which you were the head, as you are the head of the department here, and you were conducting it in the most economical manner, would you divide your force in that way? Would you not make everybody work about the same number of hours? Would you not very quickly break up any custom or tradition that stood in the way of it? If you had 300 men working six and one-half hours a day, and 1,500 working eight hours, the 300 men would be losing 450 hours a day. You know that is a good deal of loss to the Government. As the head of a corporation would you allow that?

Mr. PALMER. I can not say what I should do if it were an individual corporation. I have not thought of that question very much, because I did not consider myself wiser than all the heads of Departments of the Government.

Senator ELKINS. Or wiser than your predecessors?

Mr. PALMER. From the foundation of the Government up to this time.

Senator ELKINS. If you had been managing the office for yourself, your wisdom would have come to you very fast?

Mr. PALMER. Very likely.

Senator ELKINS. You never would have paid those working the shorter hours the same pay. Let us be frank about it.

Mr. PALMER. The clerical force work extra hours very often—a good deal longer than the others.

Senator ELKINS. If called on?

Mr. PALMER. Yes, sir.

Senator ELKINS. But, as a rule, they work six and a half hours?

Mr. PALMER. Yes.

Senator ELKINS. I am asking about yourself. You did not answer one question, which I think is pertinent. Is the six and a half hours arrangement for clerks regulated by law or tradition and custom?

Mr. PALMER. By tradition and custom, I think.

Senator ELKINS. Do all the Secretaries of the various Departments follow the custom and require laborers to work longer than clerks?

Mr. PALMER. I can not answer as to the Departments.

Senator ELKINS. Mr. Procter, can you answer the question?

Mr. PROCTER. I think there is a law to the effect that the clerical force of the Departments shall render seven hours' work, and that additional time may be called for by the different heads of the Departments in cases of emergency.

Senator ELKINS. But they do not do it. If the clerks are required to work seven hours and get a half hour for lunch, they do not work seven hours. Have you ever looked into the question?

Mr. PROCTER. Yes, sir.

Senator ELKINS. Have you ever, in your reports, called the attention of Congress to the fact that 14,000 or 15,000 employees——

Mr. PROCTER. Congress has continued to pass on the question, and I think there is a ruling by the Attorney-General that the office hours which Congress has recognized are from 9 until 4.

Senator ELKINS. You are informed as to these affairs, and know how to advise us. Is the law absolute that clerks in the Government service shall work from 9 to 4, with a half hour off, or do the heads of the Departments regulate it?

Mr. PROCTER. I think it has been regulated by custom.

Senator ELKINS. Do you think it is fair to have one branch of the Government service—and this comes to you more particularly than to

Mr. Palmer—work six and a half hours and another part of it work eight hours?

Mr. PROCTER. Let me read what I have here:

It shall be the duty of the heads of the several Executive Departments——

Senator ELKINS. What do you read from?

Mr. PROCTER. The Statutes at Large.

Senator ELKINS. That is the law?

Mr. PROCTER. Yes, sir.

Senator ELKINS. Where do you read from?

Mr. PROCTER. Statutes at Large, volume 27, page 715.

Senator CHILTON. What is the date of the act? It is easier to find it by the date.

Mr. PROCTER. I have not the date here.

Senator ELKINS. It has not been repealed?

Mr. PROCTER. It says:

It shall be the duty of the heads of the several Executive Departments, in the interest of the public service, to require of all clerks and other employees, of whatever grade or class, in their respective Departments, not less than seven hours of labor each day, except Sundays and days declared public holidays by law or Executive order: *Provided*, That the heads of the Departments may, by special order, stating the reason, further extend or limit the hours of service.

Senator ELKINS. That is the law of the country. I believe this comes under you. Do the clerks work the seven hours?

Mr. PROCTER. No.

Senator ELKINS. Then somebody is violating the law.

Mr. PROCTER. If that is violating the law, every Department is, because——

Senator ELKINS. It does not make it any better because everybody does it. That is a wholesale crucifixion of the law instead of one or two cases.

Mr. PROCTER. The hours have been regulated from 9 to 4.

Senator ELKINS. Is any power given to a Department to prescribe less than the law requires? A man can not make a regulation larger than the law or less than the law. It seems to me the Civil Service Commission could do a great service to the Government.

Mr. PROCTER. The question was brought before the last Attorney-General, who looked into it, and said that Congress had recognized the hours from 9 to 4, including a half hour for lunch.

Senator ELKINS. I find that a great many worthy people in the Printing Office and in mechanical work all through the United States, according to Senator Lodge, work eight hours. They are good people. It now develops that there are 14,000 or 15,000 clerks here—yes, 20,000 clerks—who work six and a half hours, and get better pay than those in the mechanical force, who work eight hours. I want to be advised and informed. My mind has never been drawn to these subjects, but it strikes me, as a business man, how much my friend, General Palmer, is losing in a day. If he had to run the office for himself he would not lose it.

Mr. COLLINS. He has a force of 3,000 employees and 30 clerks.

Senator ELKINS. Thirty clerks make a loss of forty-five hours a day. It is different in other Departments. They have 30 laborers and 3,000 clerks.

Mr. COLLINS. Oh, yes; I presume.

Senator ELKINS. The boot is on the other foot there. Mr. Procter, your mind unquestionably has been drawn to this point. Does it not strike you that there is a tremendous loss to the Government every day

as compared with business concerns in the country? Take clerks in banks and trust companies and railroads and manufacturing establishments. They work eight, nine, ten hours a day, and get less pay than the Government clerks do, I understand. Here is a place in the United States where 20,000 clerks are employed, getting better wages and working shorter hours. Is that fair to the laboring people of the country?

Mr. PROCTER. I think, Senator, that is a question for Congress to settle.

Senator ELKINS. It is a new question to me and I am talking offhand. It seems to me that, being charged with these matters, you would make some mention of it in your report. Did you never refer to it in any of your reports?

Mr. PROCTER. I do not think we have.

Senator ELKINS. The Government has 25,000 clerks——

Mr. PROCTER. It has been the custom, I believe.

Senator ELKINS. Let me proceed. The Government has 30,000 clerks losing an hour and a half a day each, making 45,000 hours, and as 8 hours is a day, it makes pretty near 5,000 days which the Government loses in one day. That, at $2.50 a day for a clerk—you know I am getting at this point in a practical way—is $12,500 a day. How long can we stand it? We are talking about the tariff and everything else here. You see we want to make this whole business a little practical.

Mr. PROCTER. I think that is a very good point for the committee to take up.

Senator ELKINS. I should think you would have taken it up long ago. You have been here since 1883. Personally, you have not been, but your predecessors have. There is a good deal of pressure to get to Washington. Senator Lodge knows that that is true since McKinley's administration came in. I wish to call the attention of the Civil Service Commission or of the committee, if you please, to what strikes me in this offhand way. I do not know but that you gentlemen have traveled over the ground before.

The CHAIRMAN. No; we have not.

Senator LODGE. That is not what we are after.

Senator ELKINS. The Government goes on losing $15,000 or $20,000 a day, and perhaps we Congressmen have our relatives in office, and we do not want to disturb the system. But, if it is not the law, I do not know how you gentlemen are going on. It is proceeding without force of law.

Mr. PROCTER. Since you have asked the question, I will answer you frankly.

Senator ELKINS. That is what we want.

Mr. PROCTER. The Civil Service Commission considers that its duty is to regulate the method by which people get into the public service, and that it is the province of the Departments and of Congress to regulate the services of those people after they get in.

Senator ELKINS. Let me interrupt you right here.

Mr. PROCTER. There is danger——

Senator ELKINS. Wait a minute. You are charged with this whole service; not with the question as to how people get in and how they get out. It is particularly your charge, and when you see such an injustice, such an inequality, does it not strike you that you should notify somebody, because we look to you gentlemen.

Senator LODGE. It is a question for Congressional action.

Senator ELKINS. Perhaps it is, but you gentlemen can make some recommendation.

Senator LODGE. This is enlarging the inquiry somewhat.

or ELKINS. I want to beg somebody's pardon. It all developed
ute.
or CHILTON. You do not need to beg anyone's pardon, Senator.
HAIRMAN. It is a good point.
or LODGE. The Public Printer stated that the present arrange-
amper the operations of the Government Printing Office. Have
d to modify the regulations by consultation with the Civil Serv-
mission so as to make them what you would consider suitable?
ALMER. I have had a talk with Mr. Procter and with one of his
es as to Group No. 1, the first group, so-called laborers. I asked
they thought it was quite appropriate to put some people in
oup and to class them as skilled laborers, who, in my judgment,
skilled laborers, and I do not know that I have had any decisive
expressed by them on the subject. I should like to have a
in that group. I think it would be of a good deal of assistance
dministration of the office.
or LODGE. With respect to the men who have come in through
l service and are now in the Printing Office, do you find them
to the others?
ALMER. I have not been there long enough to classify those
ne in by civil service and those who were there before.
or LODGE. Have you had complaints about those who have
through the civil service?
ALMER. Yes, sir; as to some of them.
or LODGE. Any more than against others who came in in the
?
ALMER. Perhaps not.
or LODGE. You have not been there long enough really to tell
t?
ALMER. No, sir; I have not.
or LODGE. You are not able to say whether the men taken from
ible lists are better or worse than those taken in the old way?
ALMER. No, sir.
or LODGE. Under the old system very efficient men were thrown
oes having the office under civil service do anything toward
g efficient men in the service?
ALMER. I think it throws somewhat of a restraint upon the
f the Public Printer, as I think he would feel more at liberty
ervice were not just as it is.
or LODGE. Speaking of the men of whom you spoke as being
ngly efficient who were turned out by your predecessor under
system and whom you want to reinstate, would they not have
pt in, probably, if the civil-service system had been in force

ALMER. Not necessarily.
or LODGE. No, not necessarily; but would it not have had a
y to keep them in?
ALMER. I do not know that it would. It depends very much
man at the head of the office.
or LODGE. Mr. Procter, can you tell me whether Mr. Benedict
putting the office under civil service?
ROCTER. I can not say that Mr. Benedict favored it or did not
. He came with the second committee of printers and said he
n requested by the printers to come and present their memorial,
t as they wanted it he would offer no objection. So I do not
hether he did favor it or did not favor it.
or LODGE. When he was before the committee in the case of

the printers, which you may remember, I got the impression that he was opposed to it.

The CHAIRMAN. Yes; I think he was opposed to it.

Mr. PROCTER. I did not get that impression. I would ask, though, that the committee summon Mr. Benedict.

Senator ELKINS. Is he in the city?

Mr. PROCTER. I think he lives here.

Mr. COLLINS. He is out of the city.

Mr. PROCTER. I do not believe that question was asked him when he was before the committee heretofore.

Senator LODGE. Mr. Palmer, before overthrowing the system throughout the whole Government Printing Office, which is a very great department, employing many people, would it not be well to give it a more thorough trial than you have been able to give it so far, in order to see whether you can not make it work?

Mr. PALMER. Perhaps so. I would ask for some modifications, however.

Senator ELKINS. I do not understand that you want to tear down the whole civil-service system as applied to your office.

Mr. PALMER. I have not said that I wanted to do it. I said as between the two systems I preferred the old one.

Senator ELKINS. I do not want anyone to get a wrong impression about the General.

Senator LODGE. Oh, no.

Senator ELKINS. He suggested some modifications, but he does not favor changing the whole system.

Senator LODGE. As I understand it, and Mr. Palmer will correct me if I make a mistake, except as to one point, in regard to some skilled laborers, he has not gone over the present arrangements or endeavored to modify them in conjunction with the Civil Service Commission so as to make them correspond to his ideas, and to see what can be done. That, I understand, has not yet been done.

Mr. PALMER. No.

Senator LODGE. I suppose you have hardly had time to make such an examination?

Mr. PALMER. I have asked the Civil Service Commission to do some things which have not yet been granted.

The CHAIRMAN. I understood you to say in reply to Senator Lodge that it would be well enough to await developments, provided there could be some modifications made in the meantime.

Mr. PALMER. I should be willing to give it a fair trial with such modifications as it seems to me should be made.

Senator LODGE. Are they modifications in the way of excepting certain classes either from registration or examination?

Mr. PALMER. Yes, sir; taking the first group.

Senator LODGE. And not in the form of the examination?

Mr. PALMER. No, sir.

Senator LODGE. You have not yet reached the question of the form of the examination?

Mr. PALMER. Not so fully as I should be glad to do; but if I had the power to appoint examiners, and the Commission would act in cooperation with me, I think I could improve on the present system.

The CHAIRMAN. If you had the power to appoint examiners would you require the first group to be subjected to any examination outside of the examination given in your office?

Mr. PALMER. There are several classes in the group which I would omit from examination.

The CHAIRMAN. Please enumerate those which you think should be ommitted?

Mr. PALMER. I would omit assistant doorkeepers; I would omit what are called boxers, captains of the watch, the woman in charge of charwomen. I do not consider them skilled laborers. Further down, I would omit messengers, stable men, wagon masters, wagon messengers, watchmen, and yard master.

Senator LODGE. Will you let me see the rule under which they are classified?

The CHAIRMAN. What experience have you had in the Public Printing Office?

Mr. PALMER. I was there five years.

The CHAIRMAN. You served five years?

Mr. PALMER. Yes, sir; as the Public Printer.

Senator LODGE. I wish to see the rule under which the office is classified.

Mr. PROCTER. Here it is.

Senator LODGE. It says:

The classified service of the Government Printing Office shall include all persons employed in that office except those appointed by and with the advice and consent of the Senate, and unskilled laborers or workmen.

That specifically excludes unskilled laborers or workmen from the operations of the civil-service law. Therefore, the real question which would arise is, What is the interpretation of the word "unskilled;" what constitutes a skilled and what an unskilled laborer?

Mr. PALMER. In my list I should have also included helpers. Helpers are nothing more than unskilled laborers. In order to bring them within the classified service the pay was raised from $2 to $2.08 a day, and it makes that much more expense to the Government.

The CHAIRMAN. At what date was that done; just prior to the outgoing of the last administration?

Mr. PALMER. It was done on the 15th of January of the present year.

Senator ELKINS. Do you mean that all these people were put at $2.08 a day?

Mr. PALMER. The helpers.

Senator ELKINS. Excuse me for interrupting you.

The CHAIRMAN. At what date were they receiving $2 a day?

Mr. PALMER. I think the change was made on January 15 of the present year.

Senator CHILTON. Approximately, how many of them are there whose salaries were raised?

Mr. COLLINS. Three or four hundred.

The CHAIRMAN. As the means by which they were lifted up and put under civil service?

Mr. PALMER. Yes, sir; and called helpers, when really they are unskilled laborers.

The CHAIRMAN. And the insignificant sum of 8 cents a day was added to their salary?

Mr. PALMER. Yes, sir.

Senator ELKINS. How were the people whom you have enumerated, and whom you say you would omit, put in the classified service? How did they get in there? Were they put there by order of the President? I wish to find out how they got into the classified service. Senator Lodge has raised an important point. The law says unskilled laborers shall be excepted. How did those people get into the classified service?

Mr. PROCTER. I think I can explain it.

Senator ELKINS. I wish you would, if it will not interrupt Senator Lodge. I am new to this business.

Mr. PROCTER. This is an order of the President to the Public Printer to classify——

Senator ELKINS. Does he not say there——

Mr. PROCTER. He says what the Public Printer shall do. Then the Public Printer, in classifying, returns to the Commission what he considers unskilled laborers, exempt from classification, and what he considers skilled labor; and it is the order of the President that makes the classification.

Senator LODGE. Precisely. That is just what I wished to get at. The whole trouble in the classification arises out of the question, What constitutes an unskilled laborer?

Senator ELKINS. Certainly. Did the President give the order, or did you gentlemen determine whether the men who are named here should be in the classified list?

Mr. PROCTER. The Civil Service Commission can not do anything in that respect.

Senator ELKINS. How did they get there? If the Public Printer has the power, and if I were operating under the law, I would decide who were unskilled laborers.

Mr. PALMER. I have not the power to do it.

Senator ELKINS. Why not?

Mr. PALMER. I have not the power to do it without the sanction of these gentlemen (meaning the Civil Service Commissioners).

Senator ELKINS. They are governed by law just the same as you are. If I were Public Printer I should simply do that. Suppose Mr. Procter did not like it?

Mr. PALMER. You would have those gentlemen after you.

Senator ELKINS. Suppose they did come after you; what could they do?

Mr. PALMER. That is for you to say.

Senator ELKINS. Let us have this understood. If the law said that unskilled labor should be exempt and left it to me to decide, I would decide it; and if Mr. Procter came down to see me I should see him just as long as I wanted to, and then I would say, "Good morning; I have other business."

Senator CHILTON. Why not reduce the salaries of the men?

The CHAIRMAN. Have you not the power as Public Printer, independent of the Civil Service Commission, to reduce the salary of each individual 8 cents a day?

Mr. PALMER. I have.

The CHAIRMAN. So they have nothing to do with that.

Senator ELKINS. Do not be afraid.

Mr. PALMER. I will exercise the power if I have it.

Senator LODGE. The inclusions to which General Palmer objects, on the ground, as I understand, that they are not skilled laborers, but unskilled——

Mr. PALMER. That is right.

Senator LODGE. Are owing to the classification made by the previous Public Printer.

Senator ELKINS. Yes; and not by Mr. Procter.

Senator LODGE. Very well. If the previous Public Printer had the right to make that classification, his successor has the right to make another classification.

Senator ELKINS. Of course he has.

Senator LODGE. The previous Public Printer is not going to bind the Public Printer for all time.

Senator ELKINS. Of course not.

Mr. PALMER. With permission of the chairman I will state that the classification is sanctioned by the Civil Service Commission.

Senator ELKINS. Suppose it is?

Senator LODGE. I do not understand that the classification lasts forever.

Senator ELKINS. Oh, no; not even the President of the United States could do that.

Senator LODGE. I am heartily in favor of the law.

Senator ELKINS. So am I. Mr. Procter knows I am.

Senator LODGE. I believe in keeping the Printing Office under the civil service. I want to go over this list. I believe in keeping the office under civil service, and I believe General Palmer and Mr. Procter can arrange it, if the examination is not practical, to make it so. I think it was a great thing to get that office out of politics.

Senator ELKINS. I agree with all that, too.

Senator LODGE. But I think it is perfectly absurd to call a stableman a skilled laborer.

Senator ELKINS. I do, too, and so does everybody else.

Senator LODGE. I think it is absurd to call boys who carry forms skilled laborers. So as to some of the other employees—charwomen. If there is any unskilled labor in the world, it is that of a charwoman?

Mr. PROCTER. It is the woman in charge of charwomen who is in the classified service. Does she not keep the accounts of the charwomen?

Mr. PALMER. No, sir.

Mr. COLLINS. No.

Senator LODGE. A doorkeeper is not a skilled laborer.

Senator ELKINS. That is what brings the Commission into disrepute.

Senator LODGE. I am not a skilled laborer, but I would undertake to keep door. It is not a fair interpretation of the rule.

Senator ELKINS. And it hurts the system.

Senator LODGE. You want it carried out fairly. I think you are carrying it rather too far when you call such an employee a skilled laborer. A telephone operator is a skilled laborer.

Senator ELKINS. Mr. Procter is not responsible for the classification.

Senator LODGE. I know he is not.

The CHAIRMAN. I think a telephone operator is a skilled laborer.

Senator LODGE. Take out the men who are not skilled laborers, in other words. I think the trouble has arisen, in a large measure, from the improper classification made by the last Public Printer.

Senator ELKINS. He did it on his own understanding; he interpreted the law that way.

Senator LODGE. It is said he raised the laborers 8 cents a day to put them under the classified service.

Mr. PROCTER. You are mistaken. They are not classified in that way.

Senator LODGE. How was it done?

Mr. PROCTER. The appropriation for the Government Printing Office is in a lump sum, and the Public Printer can reduce or raise any salary without changing their designation whatever.

The CHAIRMAN. But before the salaries were raised they were not in the classified service.

Mr. PROCTER. Raising the salaries had nothing to do with it.

Senator ELKINS. I am like you; I do not see what it had to do with it.

The CHAIRMAN. Why was it done?

Mr. PROCTER. I do not know.

The CHAIRMAN. Is it not your understanding that the salary was raised for the purpose of putting those people in the classified service?

Mr. PROCTER. Not at all.

The CHAIRMAN. Have you been able to ascertain any reason why they did it?

Mr. PROCTER. No; I did not know they had raised the salaries. I knew nothing about it.

The CHAIRMAN. Is it not a fact that the salaries were raised at the same time that they were put into the classified service?

Mr. PROCTER. I do not know about that.

The CHAIRMAN. Have they not been put into the classified service since their salaries were raised?

Mr. PROCTER. I think not.

The CHAIRMAN. It was so testified to by someone from the Printing Office. I forget who it was.

Senator ELKINS. Do you consider that you have any control over the Public Printer in specifying what is skilled or unskilled labor?

Mr. PROCTER. I think not.

Senator ELKINS. Then Mr. Palmer need not be afraid to go home, need he?

Senator CHILTON. I do not know about that.

Mr. PALMER. If I have the power I will exercise it.

Senator ELKINS. Why are you afraid? He says that you have the power. I would exercise it under the law.

Senator CHILTON. Is it or not true that the question of salary has something to do with whether they are in the classified service?

Mr. PROCTER. Read that.

The CHAIRMAN. Read the section. Let us hear what it is.

Mr. PROCTER. The rate of salary places the men in the different classes; but you will notice that all persons receiving a salary of less than $720, or compensation at the rate of less than $720, are in class 1, so that the question of their compensation below $720 has nothing to do with bringing them into the classified service. If you raise the salary from $720 to $840, or less than that sum, you bring them from class 1 to class 2.

Senator ELKINS. It pertains to the classes?

Mr. PROCTER. It is simply a matter with regard to regulation of promotions, and has nothing to do with bringing them into the classified service.

Senator CHILTON. As I understand you, Mr. Benedict need not have raised the salaries of these employees before putting them into the classified service?

Mr. PROCTER. Certainly not.

Senator ELKINS. It does not appear that he did.

Senator CHILTON. I wish to analyze that. It would be a gross abuse if he did. It has been charged here three or four times that he raised the pay so as to get those men into the classified service.

Senator ELKINS. It does not so appear.

The CHAIRMAN. It was so testified by someone.

Mr. PROCTER. They did not know what they were talking about.

The CHAIRMAN. It was someone from the Government Printing Office.

Senator LODGE. What General Palmer objects to is the classification

of these people as skilled laborers. Personally, I think the system employed in the navy-yards in regard to unskilled labor is excellent. It is a system of registration simply.

Mr. PROCTER. That is correct.

Senator LODGE. It is a time register, and the names go before the board of naval officers in the order in which they are registered. They examine the recommendations. If the applicant has been in the Government service before, he has preference. They take the men off the list as fast as they are needed. I regard that as an excellent system. I think it is all wrong to call an unskilled laborer a skilled laborer and put him in a place where he does not belong.

The CHAIRMAN. That is where the trouble comes.

Senator LODGE. There is where I think a mistake has occurred. I should like to see the unskilled labor registered and taken from the register as such.

Mr. PROCTER. That is exactly what is being done here.

Senator LODGE. They are classed as skilled labor.

Mr. PROCTER. They are registered.

Senator LODGE. No; they are classed as skilled labor in order to avoid the exception of the rule. The rule says that unskilled labor shall not be classified. I am not now arguing the question whether or not it is well to classify unskilled labor. The rule says unskilled labor shall not be classified.

Mr. PROCTER. It does not say shall not be. It says shall not be required to be.

The CHAIRMAN. That is evidently the lawmakers' intention.

Mr. PROCTER. The law ——

Senator LODGE. The rule says:

> The classified service of the Government Printing Office shall include all persons employed in that office except those appointed by and with the advice and consent of the Senate and unskilled laborers or workmen.

Mr. PROCTER. That is an order to the Public Printer.

Senator LODGE. I think it would be desirable to have the unskilled labor registered as they are registered in navy-yards. But under the rule you have no right to classify them.

Mr. PROCTER. You mean the Public Printer has no right.

Senator LODGE. I mean the Public Printer has no such right. He has no right, under the rule, to classify unskilled labor. That is perfectly plain. I think any reasonable interpretation of the language will show that in the list a large number of persons are included as skilled laborers who would not be regarded as skilled laborers anywhere in the United States.

Senator ELKINS. Do you not agree, Senator Lodge, that the only person, under the law as we understand it now, who can decide that question is this gentleman right here?

Senator CHILTON. That brings up another point. Do I understand that the President has already put under the classified service the laborers of that kind—helpers, etc.?

Senator ELKINS. Mr. Benedict did.

Mr. PROCTER. The President has, in that he ordered the Public Printer to do that, and the Public Printer, interpreting the order of the President, classified them and reported them as such to the Civil Service Commission.

The CHAIRMAN. The present Public Printer has the same jurisdiction over the matter that Mr. Benedict had.

Mr. PROCTER. I am not prepared to answer that question.

Senator CHILTON. I should think so, unless the order of the President cut him off in some way.

Senator ELKINS (to Mr. Palmer). You can try it.

Mr. PALMER. If the Board say I have the power I will exercise it.

Senator ELKINS. They do not know anything more about the law than you do.

Mr. PALMER. I do not know about that.

Senator ELKINS. You are sworn to administer the law?

Mr. PALMER. Yes, sir.

Senator ELKINS. I would follow my oath until the President or somebody stopped it. Senator Lodge put it very well. It will relieve the civil service from some of the odium. Lots of people come and say, "I have been examined for stableman," and I have to defend it. I have to make the best excuse I can to him.

Mr. PROCTER. You need not make an excuse any longer, because we do not examine them.

Senator LODGE. The rule says that unskilled labor shall not be classified. I believe in the system employed in the navy-yards. I should like to see it used in all our Government employment, but under the rule we are not entitled to have it. I do not think we ought to go around the law. When the rule says that unskilled labor shall not be classified, I do not think we ought to call it skilled labor and classify it.

Senator ELKINS. I did not do that in the War Department. I think I left the question open in the rules I made.

Mr. PROCTER. You left it open.

Senator ELKINS. I passed on this question very practically, and I was complimented by the Civil Service Commission.

Mr. PROCTER. We gave you a lot of taffy on your system of promotions.

Senator ELKINS. I should like to have you state here——

Mr. PROCTER. We have been following them very rigidly in new promotions. We have been following your War Department promotion regulations very strictly in getting new promotion regulations to submit to the various Departments.

Senator ELKINS. I passed on this; I interpreted the law as I understood it, and I executed it, not as I wanted to, but as I determined what it was. I never asked the Civil Service Commission. I never went to them at all, and they all sustained me. I was not turned down on that point at all.

The CHAIRMAN. Were you not turned down on the labor question?

Senator ELKINS. I believe with Senator Lodge that they should be registered and all that. "Here is a charwoman; are you going to examine her about the isothermal lines?" That is what they asked me. Are you going to ask her "How far is Iceland from some other place?" Yet they threw that in my teeth every time.

The CHAIRMAN. It is the intention of the civil-service law to rob appointments of political influence and to prevent their being controlled by political influence. Now, can you state how the system has operated in the Government Printing Office as to the number of men employed there; whether they were employed on a nonpartisan basis, or how that is?

Senator CHILTON. Since the civil service has applied to the office or before?

The CHAIRMAN. Before and since.

Senator LODGE. There have been no appointments to amount to anything since that time.

The CHAIRMAN. Well, before, or at the time it was applied, what was the proportion of Democrats and Republicans?

Mr. PALMER. The Democratic employees were very largely in the majority.

Senator LODGE. When you came in?

Mr. PALMER. Yes, sir.

Senator LODGE. Was it the same when you came in under General Harrison?

Mr. PALMER. Yes, sir.

The CHAIRMAN. There is nothing in the civil-service law that prevents you from dismissing a Democrat if you want to.

Mr. PALMER. Yes, sir; I think there is, either in the law or in the rule. Mr. Procter can answer the question better than I can.

The CHAIRMAN. We should like to know exactly what the provision of the law is on that subject.

Mr. PROCTER. Would you like me to answer the question?

The CHAIRMAN. Yes.

Mr. PROCTER. The rule has the same effect as the law:

No person in the executive civil-service shall dismiss, or cause to be dismissed, or make any attempt to procure the dismissal of, or in any manner change the official rank or compensation of any other person therein because of his political or religious opinions or affiliations.

The CHAIRMAN. What is the remedy? Suppose a man——

Mr. PROCTER. There is another provision which I think I had better read in connection with what I have read, Senator.

The CHAIRMAN. Do so.

Mr. PROCTER. Clause 6 of rule 2 provides:

In making removals or reductions, or in imposing punishment for delinquency or misconduct, penalties alike in character shall be imposed for like offenses, and action thereupon shall be taken irrespective of the political or religious opinions or affiliations of the offenders.

The CHAIRMAN. Suppose the head of a Department is disposed to dismiss a man in consequence of his political opinions. Suppose it is a Department presided over by a Republican who wants to dismiss a Democrat. Is he required to give any reason for the dismissal? Is there anything in the law that requires it?

Mr. PROCTER. No; but he has taken an oath to support the law.

The CHAIRMAN. Suppose he dismisses a man without giving any reason whatever, and it should turn out that it was because he was a Democrat; have you any redress under the law as it now exists?

Mr. PROCTER. The law only gives the Commission power to investigate and report facts, that is all.

The CHAIRMAN. It does not give any remedy to the individual, does it?

Mr. PROCTER. None whatever.

The CHAIRMAN. So it is a mere farce, so far as concerns keeping a man in office?

Mr. PROCTER. No; it has not proved a farce, because it has been effective in many instances in getting men reinstated.

Senator CHILTON. It removes the temptation to change?

Mr. PROCTER. It removes that temptation. And men have been removed from office for violating the law.

The CHAIRMAN. Do you not think that where we adopt the merit system we should have the law perfected so as to protect men?

Mr. PROCTER. I think the order issued by the Postmaster-General in the case of carriers has worked a very great benefit. A carrier can not be dismissed until he is furnished with a copy of the charges brought against him, and he is given a certain time to answer those charges. That has worked in a very satisfactory manner.

The CHAIRMAN. Now, Mr. Palmer, one question further. You say that quite a number of men formerly employed by you, who were competent and worthy men, were dismissed, but still they can not pass the examination?

Mr. PALMER. They have not seemed willing to go before any board to be examined.

The CHAIRMAN. Do you not think that if you were permitted to designate a nonpartisan board—we are on the nonpartisan idea now—you could formulate questions which would enable those men to pass a successful examination?

Mr. PALMER. I think I could.

The CHAIRMAN. Do you think that with a board to formulate questions under your designation that could be done?

Mr. PALMER. I have not any doubt of it.

Senator LODGE. Do you think the questions now asked are unfair?

Mr. PALMER. I think I could make them more practical than they are now.

The CHAIRMAN. Is it not clear to you from your experience as a printer that the same set of questions addressed to a typo ought not to be addressed to a pressman to elicit information?

Mr. PALMER. Certainly that ought not to be the case.

The CHAIRMAN. The questions asked a pressman should be very simple and of a more practical nature?

Mr. PALMER. They would be unlike.

The CHAIRMAN. Entirely unlike?

Mr. PALMER. Yes, sir.

The CHAIRMAN. Then it is your opinion that the questions ought to be formulated with respect to the duties the individual is required to perform?

Mr. PALMER. It is.

The CHAIRMAN. Do you not think that would be the keynote to the whole thing in the Printing Office and other branches?

Mr. PALMER. I do.

The CHAIRMAN. If men were examined with respect to the duties they are required to perform it would obviate all this trouble.

Senator LODGE. Mr. Procter, is there any desire on the part of the Civil Service Commission other than to have the examination as practical as possible and suited to every grade?

Mr. PROCTER. As I have said before, the Civil Service Commission is attempting to make questions absolutely practical, and to adapt them to the different grades and the different duties performed by the men.

Senator LODGE. You are making changes every day to that end?

Mr. PROCTER. Yes, sir.

The CHAIRMAN. Suppose you are going to examine an applicant for the position of pressman. Do you think it is essential that he should know anything about arithmetic, writing, or anything of that kind?

Mr. PROCTER. As I said before, those examinations are formulated by pressmen, and it is the kind of an examination that they think would best bring out the qualifications. May I go a little further on that point?

The CHAIRMAN. Yes; but I want to ask one question before you go further. That, I understand, is the great difficulty. Do you say that pressmen formulate the questions to be asked pressmen?

Mr. PROCTER. We consult skilled pressmen as to the character of the examination.

The CHAIRMAN. Do you not think it is the duty of the Commission, in supervising this work, to see to it that impracticable questions are not asked?

Mr. PROCTER. I do. I can better answer that question by stating that a few weeks ago I had a committee of 40 men, representing the marine engineers, from all over the United States, to call upon me and to examine the character of our examinations. I brought down the last examination held. Those engineers came here from Portland, Oreg., to San Antonio, Tex.; from all over the United States. I requested the chairman of the committee to read out the examination and have the skilled engineers there, nearly 40 of them, criticise it, and that he should ask them whether they thought the questions were practical. After he had read the questions he turned to the men and said, "Is there any man in this room who can not pass this examination?" Two or three answered, "If he can not pass it he has no business to be an engineer and ought not to be in the Government service."

The CHAIRMAN. What I was trying to get at is whether you do not think, if you are going to examine a pressman, he ought to be examined solely with respect to the duty of a pressman and his experience?

Mr. PROCTER. Certainly, though I believe in the Public Printing Office the duties of pressman are interchangeable in some measure.

The CHAIRMAN. I do not know about that.

Mr. PROCTER. That has in some instances influenced the character of the examinations. For instance, the duties of compositor and proof reader are interchangeable, and if you get a man who is a good compositor you get a man who is a good proof reader, as a general rule.

The CHAIRMAN. As to a pressman, do they use him in other branches, in a higher grade of labor?

Mr. PROCTER. I am not sure on that point.

The CHAIRMAN. I understand that they do not; but I do not know.

Senator LODGE. I do not think that in labor of that class that a man should be able to read and write and perform the simplest operations of arithmetic is an unreasonable requirement.

The CHAIRMAN. But I do think if a man is unable, it is not a good reason why he should be excluded.

Senator LODGE. The chances are that he would not be efficient if he could not meet this requirement.

The CHAIRMAN. The Public Printer has testified that some of the best pressmen can not read and write their names.

Mr. PROCTER. For all these skilled places the technical part of the examination counts for at least seven-tenths of the total.

The CHAIRMAN. You do not think that any man should be excluded from employment in the Government service (that is, if he understands the duties to which he is to be assigned) because he has not had the benefits of a technical education?

Mr. PROCTER. Certainly not, if he has the requisite skill.

The CHAIRMAN. For instance, take a blacksmith, who may not know a letter in the book, but who is an expert blacksmith; and the same may apply to mechanical trades.

Senator CHILTON. General Palmer, I understood you to intimate a

few moments ago (perhaps I was mistaken; I want to know certainly) that the increase of the salaries of those men from $2 to $2.08 had something to do with their retention?

Mr. PALMER. No; I do not wish to convey that impression.

The CHAIRMAN. That was testified to some time ago.

Senator CHILTON. I thought General Palmer gave an intimation of some sort.

Mr. PALMER. I said the pay of the men who were really unskilled laborers and who were classed as helpers had been raised.

Senator CHILTON. You do not know anything about the cause?

Mr. PALMER. No.

Senator CHILTON. You said there was no reason for it, and there ought not to have been an increase?

Mr. PALMER. I said the men who were classed as helpers were nothing in the world but unskilled laborers.

Senator CHILTON. You do not understand that your power to interfere with those men is at all curtailed by the civil-service rules.

Mr. PALMER. No, sir; I think I can do it. If my authority to change the classification should be conceded by the Civil Service Commission, I should exercise it very promptly.

Senator CHILTON. Even if you do not change the classification, as I understand, you have a right to reduce the salaries without regard to the classifications?

Mr. PALMER. That is true.

Senator CHILTON. Something was said about the number of employees there at the time the civil-service rules were enforced. You stated that a majority, you understood, were Democrats?

Mr. PALMER. And they are to-day.

Senator CHILTON. That would happen at any time the civil service was applied to an office that had been theretofore political?

Mr. PALMER. It would depend upon the time it was applied to that office.

Senator CHILTON. But to no particular time. Since the civil-service regulations have been applied to the Public Printing Office have you any reason to suppose that in practice it has worked to the advantage of either party?

Mr. PALMER. You can call it what you please. There is a large majority of Democrats covered by it.

Senator CHILTON, As to the new men who have gone into the office since the civil-service regulations were applied to it, you have no reason to suppose that any political advantage at all has been gained by the operation of the civil-service rules in regard to those men?

Mr. PALMER. No; I do not.

Senator CHILTON. Have you not removed men since you came in?

Mr. PALMER. I have.

Senator CHILTON. How many?

Mr. PALMER. I can not tell.

Senator CHILTON. Can you give a general idea?

Mr. PALMER. I will not undertake to state without having access to the records.

Senator CHILTON. You have removed men who were under the protection of the civil service, have you not?

Mr. PALMER. I have.

Senator CHILTON. How have you selected their successors?

Mr. PALMER. Under the civil-service rules.

Senator CHILTON. Has there been any partisan advantage in the selection of those men under civil-service rules?

Mr. PALMER. I have not known the politics of the men.

Mr. PROCTER. The business of the office now is about as heavy as it has ever been, is it not?

Mr. PALMER. Yes.

Mr. PROCTER. The amount of work you do is as large?

Mr. PALMER. I presume it was larger while the census printing was going on. I presume the office then turned out more work. I have not made any comparison, but I judge so.

Mr. PROCTER. Do you know about how many people are now employed there?

Mr. PALMER. In the neighborhood of 3,000; pretty nearly 3,000.

Mr. PROCTER. Do you remember about what amount is appropriated a year for the public printing?

Mr. PALMER. Between $3,000,000 and $4,000,000.

Mr. PROCTER. What was the appropriation last year?

Mr. PALMER. Mr. Collins can tell you.

Mr. COLLINS. I think we had, in the aggregate, about $4,000,000.

Mr. PROCTER. You said something about your inability to promote men until after they had served six months. Is there anything in the civil-service rules to prevent you from doing that?

Mr. PALMER. I think the rules require a probationary period of six months.

Mr. PROCTER. That is a probationary period for transfer, not for promotion.

Senator LODGE. Then do I understand that a man can be promoted without waiting until the whole probationary period expires?

Mr. PROCTER. The rules have nothing to do with it. The promotion regulations have been formulated by the Public Printer. My impression is that the Public Printer can promote a man without waiting six months.

Senator LODGE. You have nothing to do with promotions?

Mr. PROCTER. Yes; there is a promotion regulation; but I say that during the six months when a man is under trial he may be promoted.

Senator LODGE. It does not prevent his promotion?

Mr. PROCTER. Is it not true, General Palmer, that people who take the civil-service examination are notified that they will be put to a practical test when they are certified to the Public Printer, and that if they do not satisfactorily perform that practical test their services will not be required?

Mr. PALMER. I think there is some such rule.

Mr. PROCTER. And is it not true that persons in the classified service can not be given an absolute appointment until after six months' time, and that that is part of the practical examination held before people are taken into the service?

Mr. PALMER. Yes; there is something like that.

STATEMENT OF W. H. COLLINS, CHIEF CLERK.

The CHAIRMAN. We will now hear Mr. Collins.

Mr. COLLINS. Senator, I do not know that I can add anything to what the Public Printer has already stated on this subject. He has covered the ground very fully.

The CHAIRMAN. How long have you been connected with the Government Printing Office?

Mr. COLLINS. Thirty years next August.

few moments ago (perhaps I was mistaken; [illegible] suggestion you may that the increase of the salaries of those [illegible] something to do with their retention? [illegible] Senator.

Mr. PALMER. No; I do not wis[illegible] to ask you some questions.

The CHAIRMAN. That was [illegible] you have been in the Govern-

Senator CHILTON. I th[illegible] some sort.

Mr. PALMER. I said [illegible] Government Printing Office as an laborers and who wer[illegible]

Senator CHILTON [illegible] that you had a commission from the

Mr. PALMER. N[illegible] the Public Printer?

Senator CHILT[illegible] Civil Service Commission.

not to have be[illegible] in 1895?

Mr. PALM[illegible] 22d day of July, 1895.

ing in the [illegible] the commission—what did it authorize

Senator [illegible]

fere wit[illegible] me to act as a compositor member of the

Mr. [illegible] examiners for the Government Printing Office.

the c[illegible] And you never acted?

I sh[illegible]

[illegible] Why did you not act?

ur[illegible] I was advised not to act unless I should be requested

t[illegible] Printer.

to do so by the Public Printer. Who gave you this advice?

Senator ELKINS. The Public Printer's private secretary, Mr. Baker.

Mr. COLLINS. With a commission in your pocket to do a certain thing did you feel obliged to take the advice of another man who was subordinate to you, perhaps?

Mr. COLLINS. He was not subordinate to me. I was a subordinate.

Senator ELKINS. He was not any higher than you.

Mr. COLLINS. Yes; he was.

Senator ELKINS. He had no commission?

Mr. COLLINS. Not that I was aware of.

Senator ELKINS. Why is it that you would take another man's advice not to do a thing you were commissioned to do? I do not understand that, and that is the reason why I wanted to bring that out.

Mr. COLLINS. After I was advised by Mr. Baker, who held confidential relations to the head of the office, I complied with his advice.

Senator ELKINS. He was private secretary?

Mr. COLLINS. He was the private secretary of the Public Printer. As he advised me not to enter upon the board unless I was requested to do so by the Public Printer, I thought it the better part of discretion to comply.

Senator ELKINS. You did not go to the Public Printer and ask him about it?

Mr. COLLINS. I did not.

Senator ELKINS. Did you consider that to be an order from the Public Printer?

Mr. COLLINS. I did.

Senator ELKINS. Not to do your duty?

Mr. COLLINS. Yes, sir; not to act on this board.

Senator ELKINS. What came into your mind as a reason why the Public Printer did not want you to act? Did you never inquire?

Mr. COLLINS. I never inquired.

Senator ELKINS. Why did you not go to the men you got your authority from and ask them what you were to do?

Mr. COLLINS. The commission was sent to me by the Civil Service

ission, and it was stated in the commission, I think, that I had commended to the Commission by the Public Printer.

r ELKINS. Very well; but why did you not go to somebody you this authority and say, "What does this mean? You me a commission, and I am advised that I have no power to ? Officers, generally, do not act in that way. When you a commission to go abroad he will be ready for the next

OLLINS. I thought it the better part of discretion not to act.

enator ELKINS. What discretion—that you would be removed?

Mr. COLLINS. To state it frankly, I differed in politics from the head of the office and from Mr. Baker.

Senator ELKINS. There ought not to have been any politics in it.

Mr. COLLINS. I understand; but I was nominated as a member of the board because of my politics.

Senator ELKINS. What were you afraid of? Were you afraid that they would get rid of you in some way if you did not take this advice?

Mr. COLLINS. I can not say that; I took it. I was simply acting in accordance with the wishes of the head of the office in the matter.

Senator LODGE. Do you know why he desired you not to serve on the board?

Mr. COLLINS. I do not.

Senator ELKINS. It is a little strange that a man as strong as you are and as intelligent, and who has been in the service so long, should get a commission and then just hush up because a fellow told you to do so. You were afraid, then, that you would be discharged if you did not follow that advice. Is that it?

Mr. COLLINS. I can not say that I was afraid I would be discharged. It might have been made unpleasant for me.

Senator ELKINS. Well, that it would be made unpleasant for you or that you would be discharged?

Mr. COLLINS. Yes, sir.

Senator ELKINS. Did you never hear anything more about it?

Mr. COLLINS. Not a word.

Senator ELKINS. You never went to Mr. Procter; you never, in fact, inquired once of the gentlemen who had commissioned you who were the board of examiners of the Government Printing Office, and you never held a meeting?

Mr. COLLINS. No, sir.

The CHAIRMAN. Were you ever notified by the secretary or anyone that there would be a meeting?

Mr. COLLINS. Never.

Senator ELKINS. Do all boards of examiners act in that way down there? Do they never have a meeting, and never examine into anything?

Mr. COLLINS. I can not say, sir.

Senator ELKINS. It is a strange kind of an affair.

Mr. COLLINS. It certainly is.

Senator ELKINS. You were afraid of the Public Printer, and the Public Printer was afraid of the Commission?

Mr. PROCTER. May I ask Mr. Collins a question?

The CHAIRMAN. Certainly.

Mr. PROCTER. Was not Mr. Marston on that board?

Mr. COLLINS. The only knowledge I have as to Mr. Marston's membership of the board was that Mr. Marston told me he was a member of the board.

Mr. PROCTER. Has he not been in the Government Printing Office a long time?

Mr. COLLINS. Yes, sir.

Mr. PROCTER. Is he not of the same politics that you are?

Mr. COLLINS. I have not the least idea what Mr. Marston's politics are. I never talked with him politically. I do not know.

Mr. PROCTER. You do not know whether he has served as a member of the board?

Mr. COLLINS. I have no knowledge on that point.

Senator ELKINS. Do you think this advice was sent around to the rest of the fellows?

Mr. COLLINS. I have not the least idea, Senator. I never asked any questions about it.

Senator ELKINS. You thought it the part of wisdom to stop with the commission in your pocket? Where is that commission now?

Mr. COLLINS. In my desk in the Government Printing Office.

Senator ELKINS. How long does it last?

Mr. COLLINS. I suppose until revoked by the Civil Service Commission.

Senator ELKINS. It is in full force?

Mr. COLLINS. I think so.

Senator ELKINS. Do you not think you ought to get some little light on the subject, so as to be advised the next time? Do you not think you should ask the Public Printer what is going on? You are not now afraid, are you?

Mr. COLLINS. As I understand, all the questions have been promulgated now and the work has been done.

Senator LODGE. There is nothing to prevent a modification?

Mr. COLLINS. No, sir.

Senator ELKINS. I think, by the consent of the chairman, it would be a proper thing to find out just why this silence has taken place, or why you should stop with a commission from the Civil Service Commission in your pocket, when a commission is said to be the sign manual that opens everything and lets one go everywhere and do everything he wants.

Mr. COLLINS. Perhaps the gentleman who sent for me and issued those orders and gave that advice can best explain why.

Senator ELKINS. What is his name?

Mr. COLLINS. Baker.

Senator LODGE. There is nothing to prevent you from serving on the board now?

Mr. COLLINS. Nothing that I know of, sir.

The CHAIRMAN. Where does Mr. Baker now reside?

Mr. COLLINS. He is a clerk in the Government Printing Office.

The CHAIRMAN. Now?

Mr. COLLINS. Yes, sir.

Senator ELKINS. What is his full name?

Mr. COLLINS. Albert Baker.

Senator ELKINS. There is no trouble about your finding out now who are on the board and having them act now, is there?

Mr. COLLINS. I do not know. I do not know whose business it is to call the board together.

Senator ELKINS. That is all I want to ask. It struck me as being a little remarkable that Mr. Collins did not act when he had a commission in his pocket.

STATEMENT OF H. T. BRIAN, FOREMAN OF PRINTING.

Mr. PALMER. Captain Brian is the foreman of the Government Printing Office, and he will make a statement to the committee.

The CHAIRMAN. Captain Brian, we shall be very glad to hear anything you may have to say.

Mr. BRIAN. Mr. Chairman, I shall be pleased to answer any questions that the committee may ask.

The CHAIRMAN. How long have you been connected with the Government Printing Office?

Mr. BRIAN. About twenty-five years.

The CHAIRMAN. You have heard General Palmer's statement in regard to the operation of the civil-service law as applied to the Government Printing Office. We should be glad to hear whether you agree with him or differ from him, and to have your views on the question.

Mr. BRIAN. I am not in favor of the repeal entirely of the civil-service law. I think, with Mr. Palmer, it needs many modifications. For one thing, the Public Printer ought to have the right to select his foremen, heads of divisions, and others who have confidential relations with him. I do not believe anybody would want to be a Public Printer who had not that right, and I do not think the office can be run successfully unless the Public Printer has such selection.

Senator LODGE. Are the foremen chosen from persons in the employment of the Government or are they taken from the outside?

Mr. BRIAN. Both ways.

Senator LODGE. I am speaking of the practice under the civil-service law.

Mr. BRIAN. I do not know that any foreman has been appointed since the civil-service law went into effect in the office.

Senator LODGE. But if a new foreman were wanted, would they call on the Civil Service Commission to certify a foreman or would they promote someone?

Mr. BRIAN. They could do it either way.

The CHAIRMAN. As to foremen, is it your idea that you can get a better class of men for such a position outside of the civil-service examination than if they should come in under the civil service?

Mr. BRIAN. No, sir; I do not want to convey that impression; but I think that the Public Printer, knowing a man he wants for foreman or head of a division, ought to be able to appoint him, whether he is within the service or not.

Senator LODGE. How about the men who come in under the civil-service law? Are they particularly inefficient or are they good men?

Mr. BRIAN. They are about like other men. I do not know that there is any difference between a man who comes there under the civil-service law and one who came in the old way.

Senator LODGE. But you are getting good men through the civil-service law?

Mr. BRIAN. Yes, sir; we are getting good men; and it is just as it was before in this, that if they are not good men they do not stay there.

Senator LODGE. Precisely. They average as well as the others?

Mr. BRIAN. Yes, sir; they average as well as the others.

The CHAIRMAN. There is one question I wish to ask, Mr. Palmer.

Do you think it is possible by a series of questions to test the executive ability of an individual?

Mr. PALMER. I do not.

The CHAIRMAN. You think it is possible to test the clerical ability, do you not?

Mr. PALMER. More readily.

The CHAIRMAN. Is not that really the distinction now, that it is impossible to test the ability of the men who direct the work or are in charge of the different branches?

Mr. PALMER. I think it is, absolutely.

Senator ELKINS. You want experience?

Mr. PALMER. I do. I do not think a man himself knows what he can do until he has tried.

The CHAIRMAN. Proceed, Captain Brian.

Mr. BRIAN. I think the classification of the first group, as Mr. Palmer has explained, should be modified. I do not believe that the persons he named ought to be subjected to an examination.

The CHAIRMAN. I think that has done more to bring the system into disrepute than any other one thing.

Senator ELKINS. I do not say more, but it has done a good deal.

Mr. BRIAN. A lady who worked in the Printing Office—in the folding-room—nearly all her life; a lady of more than usual intelligence, came to see me the other day and said, "I worked in this office until just before the civil-service law went into effect. Now I can not get back because I do not write a good hand. My examination, leaving out writing, averaged about 95. My writing brought this average down so that I can not now get an appointment. I have worked at everything that ladies work at in the office, and my work was always satisfactory. I never had any writing to do except to sign the pay roll."

Some of the very best printers and pressmen started in as apprentices at 12, 14, and 16 years of age. They did not of course get much schooling. They learned to set type or to run presses, and they are good printers and pressmen. They could not, in all probability, pass the civil-service examination, and are of course now debarred from employment in the Government Printing Office. With all that I think the civil-service law would be satisactory to the office if the modifications suggested were made. We can examine a man thoroughly when he comes into the office, and ascertain whether he can set type, bind books, or run presses.

Senator LODGE. Can not all the changes that you think necessary be obtained by modifications of the rules?

Mr. BRIAN. I think every one of them can.

Senator ELKINS. Without legislation?

Senator LODGE. There is no need of legislation on the subject.

Senator ELKINS. I do not think there is any need of legislation. I think it is all with the Civil Service Commission and the Public Printer.

The CHAIRMAN. Is there anything else you wish to say?

Mr. BRIAN. That is all I have to say, sir.

Mr. PALMER. Is there anything further, Mr. Chairman?

The CHAIRMAN. Nothing further. We are very much obliged to you, Mr. Palmer.

TREASURY DEPARTMENT.

BUREAU OF ENGRAVING AND PRINTING.

TESTIMONY OF JOSEPH L. JACKSON.

JOSEPH L. JACKSON, being duly sworn, testified as follows:

The CHAIRMAN. We shall be glad to hear any statement you desire to make.

Mr. JACKSON. Gentlemen, some of you may think it is rather old to go back into a statement of what happened some ten or fifteen years ago, but I wish to show the dishonesty of a high official of the Government.

Senator ELKINS. State your place of residence, age, occupation, and everything.

The CHAIRMAN. And where you have been employed.

Senator ELKINS. What is your age?

Mr. JACKSON. Sixty-five.

Senator ELKINS. Where do you reside?

Mr. JACKSON. I have been residing in Chicago for the last seven years. Previous to that time I resided in Washington for ten or fifteen years. I held office here for ten years.

Senator ELKINS. State the office.

Mr. JACKSON. I held the position of watchman in the Bureau of Engraving and Printing.

Senator ELKINS. Were you a soldier in the war?

Mr. JACKSON. Yes, sir.

Senator ELKINS. In what army?

Mr. JACKSON. In the Western army, under Grant and Sherman. I was wounded at the siege of Vicksburg.

The CHAIRMAN. Now, proceed with your statement, and I trust you will confine yourself to the operation of the civil-service law and the matter under consideration.

Mr. JACKSON. The case bears on this question through the dishonesty of one man.

Senator ELKINS. State who the gentleman was and what he was.

Mr. JACKSON. Thomas J. Sullivan was executive officer of the Bureau of Engraving and Printing, where I was employed. While I was on duty one morning I found a colored man going into the private office of the Chief, against orders. I reported the matter to the officer of the watch, another one-armed soldier, and we went in there and found him rifling the drawers of the Chief of the Bureau. We took him out and made a written report on it to the Chief. Those reports went through Mr. Sullivan's hands. He pocketed those reports and never let the Chief know of it, and for six months he accused me of stealing those very papers on the very day and date I found the colored man in there and arrested him. I was arrested by the chief detective of the secret service division, also two other men, and they were thrown into jail. An account of it was furnished the Associated Press at the time, and dispatches were sent all over the country, saying that these men were in the employ of a certain Gen. Benjamin Berry, of Philadelphia (who was backed by the whole Pennsylvania delegation for this man's position), and that General Berry had induced these men to steal certain documents from the Bureau in his interest, so that he could get these men discharged by representing it so to the President of the United

States, General Arthur—and he could obtain their position if he could only get those men out. It was all a put-up job, and everything was proved afterwards, that we were entirely innocent.

The immediate effect of it was that it caused the death of the Chief, who at that time trusted this man Sullivan, and believed in him; but he found out that we were honest men, and that there was no dishonesty only on the part of Mr. Sullivan, by instructing this colored man to go in there and do that stealing; and I caught him at it in the line of my duty, and for my vigilance in so doing I was charged with being the thief and held under that charge for six months. Finally, on a sharp cross-examination by Chief Colonel Brooks, of the detective service of the Treasury Department, he cross-questioned the colored man I caught there, and he finally admitted that I did catch him there, and that he was the thief after all, and not myself, and the whole job was put up for the sake of General Berry.

The CHAIRMAN. Did this have anything to do with your discharge? Have you been discharged from the Government service?

Mr. JACKSON. I was discharged five years after that.

The CHAIRMAN. At what date?

Mr. JACKSON. I was discharged in April, 1887.

Senator ELKINS. For anything connected with what you have just stated?

Mr. JACKSON. Yes; they followed me up. I furnished some of this information to the correspondent of the New York Sun under Cleveland's first Administration. On that account I was thrown out of the position, and that man holds his position there yet.

Senator ELKINS. You were thrown out of the position of watchman?

Mr. JACKSON. Yes, sir; I was thrown out.

Senator ELKINS. And you have been kept out ever since?

Mr. JACKSON. Yes, sir.

Senator ELKINS. Did you apply to get back?

Mr. JACKSON. No, sir; I have not yet made any application. I thought I would not. I want justice at the hands of the Government. I do not ask for any position. I am not seeking for it at present at all. I may seek it at some future time, perhaps. I think I have a right to it.

Senator ELKINS. You have a right under the law to go to the Civil Service Commission.

The CHAIRMAN. Yes; you are on the eligible list.

Mr. JACKSON. I am on the eligible list?

Senator ELKINS. You are on the eligible list, and they will treat it fairly.

Mr. JACKSON. I am aware of that, but all I want is a hearing.

Senator ELKINS. We can not do anything in the case.

Mr. JACKSON. I did not suppose that you could, but I wanted to show the exact case.

Senator ELKINS. Mr. Procter understands all about it.

Mr. PROCTER. He was dismissed before the Bureau of Engraving and Printing was placed in the classified service.

Mr. JACKSON. I can show you all the documents if you wish.

Senator ELKINS. It is not necessary to show them before this committee.

INTERIOR DEPARTMENT.

PENSION OFFICE.

TESTIMONY OF JOSEPH T. H. HALL.

JOSEPH T. H. HALL, being duly sworn, testified as follows:

The CHAIRMAN. Where do you reside?

Mr. HALL. In Washington, D. C.

The CHAIRMAN. What is your occupation?

Mr. HALL. I was a special examiner in the Pension Office.

The CHAIRMAN. At what date?

Mr. HALL. Until December, 1893.

The CHAIRMAN. We shall be glad to hear any statement you may have to make. I will ask you if you are an ex soldier?

Mr. HALL. I was a soldier. I enlisted as a private April 17, 1861, and was mustered out as a brevet captain January 1, 1868.

The CHAIRMAN. In what army?

Mr. HALL. In the Union Army, the Army of the Potomac.

The CHAIRMAN. Now you may proceed.

Mr. HALL. My district was southern Colorado, Utah, and New Mexico. I had obtained information that a certain pension agent there had been cheating the soldiers. I arrested him and sent him to jail, and wrote to the Commissioner to send me a physician and another pension examiner; that I had a suspicion the examining surgeon there was in collusion with this attorney. They sent eight gentlemen there as a commission. After the commission had been there some time I obtained permission to leave them and attend to my other district. This was in New Mexico, and I obtained permission to go and attend to my duties in Utah and Colorado. Then I obtained a leave of absence and came here.

The Office called me in from the field, which is considered a punishment; and when they called me in they said they would have dismissed me in June except that I was on this important business and they could not spare me. Then they preferred charges against me, first, for leaving my post without authority—this commission that was there investigating. I produced a letter showing that I had authority to leave them. Then the next charge was taking this unauthorized journey in my other territory. I produced a letter from the Commissioner of Pensions, showing that I had taken the journey at his request or under his orders. Then my expense account was greater than all the rest of the members of the commission put together. I produced evidence showing that when they came to New Mexico to report where I was, I was ordered to give them my advice and my experience; that they had been at the World's Fair, and they came to me, as they said, "stranded," and I carried them—that is, I paid all the livery bill out of my own pocket for the whole commission. I let my livery team bring the claimants and witnesses into Albuquerque, and we took testimony in Albuquerque. I showed the Office that my expense account was for the whole of the commission put together, and therefore that was the reason why my expense account was greater than all the others combined.

The next charge was that my expense account had been disallowed each month since my appointment. I insisted upon the books being

The CHAIRMAN. We shall be glad to hear any suggestion you may have to make.

Mr. COLLINS. I do not think of anything, Senator.

The CHAIRMAN. Senator Elkins would like to ask you some questions.

Senator ELKINS. How long do you say you have been in the Government service?

Mr. COLLINS. I went into the Government Printing Office as an apprentice boy in August, 1867.

Senator ELKINS. You stated that you had a commission from the Civil Service Commissioners, or from the Public Printer?

Mr. COLLINS. From the Civil Service Commission.

Senator ELKINS. It was dated in 1895?

Mr. COLLINS. It was dated the 22d day of July, 1895.

Senator ELKINS. What was the commission—what did it authorize you to do?

Mr. COLLINS. It authorized me to act as a compositor member of the board of civil-service examiners for the Government Printing Office.

Senator ELKINS. And you never acted?

Mr. COLLINS. No, sir.

Senator ELKINS. Why did you not act?

Mr. COLLINS. I was advised not to act unless I should be requested to do so by the Public Printer.

Senator ELKINS. Who gave you this advice?

Mr. COLLINS. The Public Printer's private secretary, Mr. Baker.

Senator ELKINS. With a commission in your pocket to do a certain thing did you feel obliged to take the advice of another man who was subordinate to you, perhaps?

Mr. COLLINS. He was not subordinate to me. I was a subordinate.

Senator ELKINS. He was not any higher than you.

Mr. COLLINS. Yes; he was.

Senator ELKINS. He had no commission?

Mr. COLLINS. Not that I was aware of.

Senator ELKINS. Why is it that you would take another man's advice not to do a thing you were commissioned to do? I do not understand that, and that is the reason why I wanted to bring that out.

Mr. COLLINS. After I was advised by Mr. Baker, who held confidential relations to the head of the office, I complied with his advice.

Senator ELKINS. He was private secretary?

Mr. COLLINS. He was the private secretary of the Public Printer. As he advised me not to enter upon the board unless I was requested to do so by the Public Printer, I thought it the better part of discretion to comply.

Senator ELKINS. You did not go to the Public Printer and ask him about it?

Mr. COLLINS. I did not.

Senator ELKINS. Did you consider that to be an order from the Public Printer?

Mr. COLLINS. I did.

Senator ELKINS. Not to do your duty?

Mr. COLLINS. Yes, sir; not to act on this board.

Senator ELKINS. What came into your mind as a reason why the Public Printer did not want you to act? Did you never inquire?

Mr. COLLINS. I never inquired.

Senator ELKINS. Why did you not go to the men you got your authority from and ask them what you were to do?

Mr. COLLINS. The commission was sent to me by the Civil Service

Commission, and it was stated in the commission, I think, that I had been recommended to the Commission by the Public Printer.

Senator ELKINS. Very well; but why did you not go to somebody who gave you this authority and say, "What does this mean? You have given me a commission, and I am advised that I have no power to act under it." Officers, generally, do not act in that way. When you give a fellow a commission to go abroad he will be ready for the next steamer.

Mr. COLLINS. I thought it the better part of discretion not to act.

Senator ELKINS. What discretion—that you would be removed?

Mr. COLLINS. To state it frankly, I differed in politics from the head of the office and from Mr. Baker.

Senator ELKINS. There ought not to have been any politics in it.

Mr. COLLINS. I understand; but I was nominated as a member of the board because of my politics.

Senator ELKINS. What were you afraid of? Were you afraid that they would get rid of you in some way if you did not take this advice?

Mr. COLLINS. I can not say that; I took it. I was simply acting in accordance with the wishes of the head of the office in the matter.

Senator LODGE. Do you know why he desired you not to serve on the board?

Mr. COLLINS. I do not.

Senator ELKINS. It is a little strange that a man as strong as you are and as intelligent, and who has been in the service so long, should get a commission and then just hush up because a fellow told you to do so. You were afraid, then, that you would be discharged if you did not follow that advice. Is that it?

Mr. COLLINS. I can not say that I was afraid I would be discharged. It might have been made unpleasant for me.

Senator ELKINS. Well, that it would be made unpleasant for you or that you would be discharged?

Mr. COLLINS. Yes, sir.

Senator ELKINS. Did you never hear anything more about it?

Mr. COLLINS. Not a word.

Senator ELKINS. You never went to Mr. Procter; you never, in fact, inquired once of the gentlemen who had commissioned you who were the board of examiners of the Government Printing Office, and you never held a meeting?

Mr. COLLINS. No, sir.

The CHAIRMAN. Were you ever notified by the secretary or anyone that there would be a meeting?

Mr. COLLINS. Never.

Senator ELKINS. Do all boards of examiners act in that way down there? Do they never have a meeting, and never examine into anything?

Mr. COLLINS. I can not say, sir.

Senator ELKINS. It is a strange kind of an affair.

Mr. COLLINS. It certainly is.

Senator ELKINS. You were afraid of the Public Printer, and the Public Printer was afraid of the Commission?

Mr. PROCTER. May I ask Mr. Collins a question?

The CHAIRMAN. Certainly.

Mr. PROCTER. Was not Mr. Marston on that board?

Mr. COLLINS. The only knowledge I have as to Mr. Marston's membership of the board was that Mr. Marston told me he was a member of the board.

. . . . . .

Mr. PROCTER. Has he not been in the Government Printing Office a long time?

Mr. COLLINS. Yes, sir.

Mr. PROCTER. Is he not of the same politics that you are?

Mr. COLLINS. I have not the least idea what Mr. Marston's politics are. I never talked with him politically. I do not know.

Mr. PROCTER. You do not know whether he has served as a member of the board?

Mr. COLLINS. I have no knowledge on that point.

Senator ELKINS. Do you think this advice was sent around to the rest of the fellows?

Mr. COLLINS. I have not the least idea, Senator. I never asked any questions about it.

Senator ELKINS. You thought it the part of wisdom to stop with the commission in your pocket? Where is that commission now?

Mr. COLLINS. In my desk in the Government Printing Office.

Senator ELKINS. How long does it last?

Mr. COLLINS. I suppose until revoked by the Civil Service Commission.

Senator ELKINS. It is in full force?

Mr. COLLINS. I think so.

Senator ELKINS. Do you not think you ought to get some little light on the subject, so as to be advised the next time? Do you not think you should ask the Public Printer what is going on? You are not now afraid, are you?

Mr. COLLINS. As I understand, all the questions have been promulgated now and the work has been done.

Senator LODGE. There is nothing to prevent a modification?

Mr. COLLINS. No, sir.

Senator ELKINS. I think, by the consent of the chairman, it would be a proper thing to find out just why this silence has taken place, or why you should stop with a commission from the Civil Service Commission in your pocket, when a commission is said to be the sign manual that opens everything and lets one go everywhere and do everything he wants.

Mr. COLLINS. Perhaps the gentleman who sent for me and issued those orders and gave that advice can best explain why.

Senator ELKINS. What is his name?

Mr. COLLINS. Baker.

Senator LODGE. There is nothing to prevent you from serving on the board now?

Mr. COLLINS. Nothing that I know of, sir.

The CHAIRMAN. Where does Mr. Baker now reside?

Mr. COLLINS. He is a clerk in the Government Printing Office.

The CHAIRMAN. Now?

Mr. COLLINS. Yes, sir.

Senator ELKINS. What is his full name?

Mr. COLLINS. Albert Baker.

Senator ELKINS. There is no trouble about your finding out now who are on the board and having them act now, is there?

Mr. COLLINS. I do not know. I do not know whose business it is to call the board together.

Senator ELKINS. That is all I want to ask. It struck me as being a little remarkable that Mr. Collins did not act when he had a commission in his pocket.

STATEMENT OF H. T. BRIAN, FOREMAN OF PRINTING.

Mr. PALMER. Captain Brian is the foreman of the Government Printing Office, and he will make a statement to the committee.

The CHAIRMAN. Captain Brian, we shall be very glad to hear anything you may have to say.

Mr. BRIAN. Mr. Chairman, I shall be pleased to answer any questions that the committee may ask.

The CHAIRMAN. How long have you been connected with the Government Printing Office?

Mr. BRIAN. About twenty-five years.

The CHAIRMAN. You have heard General Palmer's statement in regard to the operation of the civil-service law as applied to the Government Printing Office. We should be glad to hear whether you agree with him or differ from him, and to have your views on the question.

Mr. BRIAN. I am not in favor of the repeal entirely of the civil-service law. I think, with Mr. Palmer, it needs many modifications. For one thing, the Public Printer ought to have the right to select his foremen, heads of divisions, and others who have confidential relations with him. I do not believe anybody would want to be a Public Printer who had not that right, and I do not think the office can be run successfully unless the Public Printer has such selection.

Senator LODGE. Are the foremen chosen from persons in the employment of the Government or are they taken from the outside?

Mr. BRIAN. Both ways.

Senator LODGE. I am speaking of the practice under the civil-service law.

Mr. BRIAN. I do not know that any foreman has been appointed since the civil-service law went into effect in the office.

Senator LODGE. But if a new foreman were wanted, would they call on the Civil Service Commission to certify a foreman or would they promote someone?

Mr. BRIAN. They could do it either way.

The CHAIRMAN. As to foremen, is it your idea that you can get a better class of men for such a position outside of the civil-service examination than if they should come in under the civil service?

Mr. BRIAN. No, sir; I do not want to convey that impression; but I think that the Public Printer, knowing a man he wants for foreman or head of a division, ought to be able to appoint him, whether he is within the service or not.

Senator LODGE. How about the men who come in under the civil-service law? Are they particularly inefficient or are they good men?

Mr. BRIAN. They are about like other men. I do not know that there is any difference between a man who comes there under the civil-service law and one who came in the old way.

Senator LODGE. But you are getting good men through the civil-service law?

Mr. BRIAN. Yes, sir; we are getting good men; and it is just as it was before in this, that if they are not good men they do not stay there.

Senator LODGE. Precisely. They average as well as the others?

Mr. BRIAN. Yes, sir; they average as well as the others.

The CHAIRMAN. There is one question I wish to ask, Mr. Palmer.

Fourth inquiry: "Should the civil-service law be amended, continued, or repealed?"

In my judgment the law should not be repealed. It is a salutary law, and its influence is to raise a political contest above the plane of a mere struggle for spoils.

Under its operation clerkships in the public service and a vast number of other positions have ceased to be mere political junk to be used by politicians to pay for partisan service, often corruptly rendered.

It would be disastrous to good government to return to the old spoils system, which had become a stench in the nostrils of every lover of honest and capable administration.

But I am convinced that the rules should be restricted and modified so as to operate as originally intended by the friends and advocates of reform in the civil service, who sought practical results in administration rather than to adopt or experiment with theories which under our form of government will prove Utopian, because life tenure in office is offensive to our people. And beyond this the rules as recently extended and administered divorce duty and responsibility from the executive and administrative authority essential to produce desirable results.

The civil-service law was understood by most of us whose advocacy and defense of it, in Congress and out, rendered reforms possible, to embrace, in the main, the clerical force and some other positions which are clerical rather than executive; but the jurisdiction of the Civil Service Commission has been enlarged and the classified service is extended along all lines, until now the selection of the executive and administrative staff, including the private secretary, financial clerk, chief clerk, and heads of divisions, as well as the clerical and laborers' force of the Department, is in the hands of three able and estimable gentlemen who know little about the policy of the Department, still less about the executive and administrative duties to be performed by the staff officers mentioned above, and have no share whatever in the responsibility of the Administration. And what is of consequence, the selection is made, not as a result of any proper or, to the Commission, possible investigation to learn what practical experience and fitness the person has to sustain the proposed official relation to the Secretary or head of a bureau and to discharge the duties that will devolve upon him as such, but by reading the answers to certain written and printed questions which, no doubt, are in some measure pertinent to the general object of the inquiry.

I submit that in thus selecting staff officials the lessons of experience and the dictates of common sense are largely ignored, and, we must suppose, on the theory that the Secretary and his heads of bureaus are incapable, or, if not incapable, are unwilling to exercise ordinary intelligence and business prudence in the conduct of the public service, but have concerned themselves primarily to rewarding partisan zeal rather than to promote the public good.

The idea that three gentlemen, outside of and in nowise charged with the responsibility of the administration of a department of the Government, no matter how earnest and well disposed, can, by any examination of applicants they do or can conduct, better select a private secretary, a chief clerk, a chief of division, or other executive officer, for the staff of the Secretary or the Commissioner in charge of a bureau, and who, perforce of their duties, sustain confidential relations to them, than the head of the department or commissioner of a bureau can or will, is on its face and for obvious reasons absurd. If in this limited field of choice the head of a department or bureau acts in the rôle of a mere partisan to apportion spoils, he should be removed for an abuse of power.

It is timely to observe in this connection, that the heads of the departments and the heads of bureaus of the late Administration were not vexed by the operation of the rule thus extended, for, by a striking coincidence, the civil-service tide did not rise so high as to ingulf private secretaries, chief clerks, financial clerks, chiefs of divisions, and the entire executive and administrative official force of Departments until by dismissals, reductions, promotions, transfers, and appointments each head of a department and bureau had a private secretary, a chief clerk, a financial clerk, and chiefs of divisions to control and direct the force employed to carry out the policy of the Administration, a part of which they were; and these appointments having been made, and made as appears from a partisan standpoint, the appointees were, by an order of the then President, permanently installed in place to aid in promoting the policy of an Administration they were unable to defeat, and to become the confidential advisers and executive officers of those with whom they were confessedly not in touch or sympathy.

If the order by which this was done had been promulgated before the official shaking up in the several Departments it might have escaped the suspicion of being partisan and lacking a trace of the leaven of true civil-service reform.

But reformation after rigor mortis has set in is not assuring.

The suggestion that such a modification of the civil-service rules by the President

as would restore to the heads of Departments and bureaus the authority to appoint a private secretary, a financial clerk, a chief clerk, and chiefs of divisions, for whose ability, integrity, and zeal the head of the department primarily, and his staff of bureau officers next, are responsible, will result in a wholesale dismissal for political reasons, is not well founded, and is a doubtful compliment to the intelligence, integrity, and common sense of the officials thus impliedly arraigned.

What I urge is, in fact, simply a restitution of authority, the possession of which by the responsible head of a department or bureau must be inseparable from efficient administration.

The mere power to dismiss a member of the personal staff of the Secretary and Commissioner is a mockery, if three gentlemen outside of the Department, who are ignorant of its needs and without responsibility for the conduct of its business and still less for the policy of its administration, may select the successor of the person so dismissed, the selection being made necessarily without reference, except by accident, to the all-round ability of the applicant to take charge of an executive office, but with sole reference to his knowledge of text-books and ability to answer questions, very few of which presumably have pertinent reference to his fitness to perform what may properly be called staff duty.

Even the messenger boys who run errands and whom we are to have about us for that purpose are selected by the Civil Service Commission. What examination is made to learn if a boy can shut a door, or go to the post-office, or carry a message, I do not know; but I do believe that nobody is so capable of providing for a want in this behalf as the official who is to use the boy, and hence knows just what the qualifications should be for the work the boy is to perform.

For sixteen or twenty sessions of Congress, as a Member of the House, and for four years of that time a member of the Committee on Reform in the Civil Service, I defended and advocated civil-service reform.

Its mission was understood by those who upheld and sustained it to be to insure a higher grade of efficiency by requiring a certain standard of education and clerical knowledge, and with the view to prevent mere ward heelers and persons who presented few or no qualifications or claims, beyond having rendered aggressive and often unscrupulous partisan service, from receiving appointments.

The idea was to prevent clerkships and many other Federal positions being made political junk or party spoils to be distributed on the heels of every political battle, lost or won.

It was not thought possible that the Secretary and the bureau officers would be so lacking in ability and disposition to discharge their duties that it would be necessary that the Department and bureaus over which they preside would have, in practical operation, to be run by a force selected by three gentlemen outside of the Department, ignorant of and wholly disconnected with its management. But that is the practical result, under the civil-service rules, since they have been recently extended and adjusted.

I repeat, the rules should embrace in the main merely the clerical force, and certainly not those of the executive staff.

If the operations of the system can not be so restricted as to allow the responsible head of a Department or bureau a few privileges essential to the official conduct of his own administration, the whole system will be destroyed.

It is obvious that the civil-service law and the extreme length to which it has been carried in practical operation is an effort to hedge against the dangers which are inseparable from our form of government, in which the people are supposed to be as able as they are willing to govern themselves.

The suggestion that the Secretary may be able to find a proper person for staff duty among those in the classified service does not meet the objection.

If he can readily do so, he will be prompt to do it for obvious reasons; but the healthful influence of the power to select and appoint the staff from the outside is of the first importance in promoting discipline, efficiency, and loyalty.

The exceptions urged by the Department are not numerous, but they are very important, and not more important to the Department than to the permanency of the reform system. The modification of the rules does not render the civil-service law less useful in removing the baneful influence of the spoils system, but will, in practical operation, add to its popularity and usefulness.

Very respectfully, your obedient servant,

BEN. BUTTERWORTH, *Commissioner*.

DEPARTMENT OF AGRICULTURE.

TESTIMONY OF ALMONT BARNES.

ALMONT BARNES, being duly affirmed, testified as follows:

The CHAIRMAN. Mr. Barnes, where is your residence?

Mr. BARNES. My residence is at Seabrook, Md., now. I am a native of New York.

The CHAIRMAN. Are you employed in the Government service at present?

Mr. BARNES. Yes, sir.

The CHAIRMAN. In what branch?

Mr. BARNES. In the Department of Agriculture, the Division of Statistics.

The CHAIRMAN. We shall be glad to hear any statement you may have to make in regard to the operation of the civil-service law.

Mr. BARNES. I have not very much of a statement to make in regard to myself, but I should like to give a little information in regard to the working of the civil service as I see it.

The CHAIRMAN. That is what we want to hear—anything that comes under your observation.

Mr. BARNES. Perhaps my little experience would be fairly a part of the statement. In July, 1891, I was reinstated in the Department of Agriculture, where I had been years before, by Mr. Rusk, and put in control of a new section that was formed of the Latin-American markets. At the time I was not exactly discharged, but crowded out. I was employed in writing a bulletin on the agriculture of Mexico as related to our own.

The CHAIRMAN. At what date?

Mr. BARNES. That was in March, 1893. I was transferred to the Civil Service Commission temporarily with several others. I was taken from my work, and inquiries were made regularly whether I was efficient or not, until I concluded that they wanted my place more than they wanted me, and I resigned on the 14th of November, 1893. Soon after I resigned they found out finally my work that I was on, and wanted me to come back and complete it. They wanted to know what I would take to do it, and so on. I did not choose to go back on a per diem, and I stayed out until about a year ago, when, at the request of the Senator from Vermont, Mr. Proctor, the chairman of the Committee on Agriculture, I was reinstated, not at my old salary of $1,800, but at $60 a month, to do about the same class of work.

The CHAIRMAN. To what position were you appointed when you were reinstated? By what name was it designated?

Mr. BARNES. When I was reappointed, I was reappointed at the salary I was receiving when I resigned twenty-one years before. I had resigned a $1,600 clerkship. I had been in the meantime in the consular service, in charge of a bureau of the State Department.

The CHAIRMAN. That is not my question. To what position were you reappointed? You say you were reinstated. Were you reinstated or appointed to a new position?

Mr. BARNES. I was reinstated.

The CHAIRMAN. To the position you formerly occupied?

Mr. BARNES. Yes, sir; practically the same work. The work was not classified in that division as it is in some others. Then I was promoted and put in charge of a section, as I stated. The man who

succeeded me was appointed on a per diem, and was recommended as chief of the section when the Secretary recommended that all the chiefs of sections and of divisions in the Department of Agriculture be placed under the civil service. His name was sent in as being chief of a section. He was on a per diem and engaged temporarily. I employed him myself at the instance of Mr. Dodge to aid me in gathering certain statistics and he was there temporarily, but he was put in as chief of that section on a per diem of $7, and after getting in, being approved by the Civil Service Commission, they not knowing, I suppose, his status at the time, he was promoted to $2,400 a year. I called the attention of the Civil Service Commission, through Mr. Webster, to the fact that he was not properly in the Department as a clerk on a salary. It was two days before Mr. Webster died. He told me that he knew that fact, but he did not know that there was any use of making a fuss about it; that Mr. Morton was a pretty difficult man to deal with, and that he had had a talk with Mr. Roosevelt about it, and they had agreed to let the matter stand, or had let it go.

Well, his case is not a singular instance, by any means, of people who come in there appointed specially in one way or another, and who have become salaried clerks at anywhere from $1,000 to $1,800 without ever having passed a civil-service examination at all. There are plenty on the rolls in that way at the present time. As I consider that rather a fraud on those who have to pass the examination or those who come in legally, I wanted to call the attention of the committee to that fact.

The CHAIRMAN. Will you please give the committee the names of some of the persons there in the Department who were appointed, as you say, in violation of the law?

Mr. BARNES. I am perfectly willing to give the names of those who are now out, but I do not feel as though I would like, unless it is necessary, to specify individuals, because it might seem like a warfare of my own on them, and I do not feel in that way.

Senator CHILTON. But you understand that we can not run this matter down unless we know the names?

Mr. BARNES. As to the gentleman who was appointed on a per diem of $7 and then raised to $2,400, and later to $2,500, his name was William Berten Nassau. I notified him, through a friend, a few days before the 4th of March that he would have to get out or I would expose the way he was appointed, and he resigned. Four days after he was dead; so I do not suppose he will trouble me. There was a lady appointed as clerk and stenographer, an assistant in the division, whose name I can give you, I guess, from this book [examining]. She has recently resigned to marry. She was at $1,200, and never passed a civil-service examination at all.

The CHAIRMAN. Will you give the date of her appointment?

Mr. BARNES. She was appointed soon after the present Statistician came in; I do not know the date; the date is here [examining].

The CHAIRMAN. All right; that is not material.

Mr. BARNES. I think it was in April, 1893. There are clerks there that I know their faces and do not know their names who have told me they never came in through an examination. I can not give you the names without searching Mr. Morton's report, which I have here. Then I perhaps might remember them on seeing them. I have heard them talk of it frequently, and say that they never passed through any civil service examination.

The CHAIRMAN. We would much prefer that you should give us the names of these parties; otherwise your testimony is rather indefinite.

Mr. BARNES. One gentleman was appointed at $1,500 to make an

investigation into the cotton business, I believe. He is now in the classified service of the Department at $1,800.

The CHAIRMAN. What is his name?

Mr. BARNES. Watkins is the gentleman's name, I think. He is now at $1,800.

The CHAIRMAN. Will you please give us the lady's name? You said you could refresh your memory by some memoranda that you have.

Mr. BARNES. It is in the printed list here; I was looking for it [examining]; James L. Watkins is the name of the gentleman at $1,800. Mary A. Mack was the clerk. She has resigned.

The CHAIRMAN. Is Watkins now employed in the service?

Mr. BARNES. Yes, sir.

The CHAIRMAN. You can proceed with your statement.

Mr. BARNES. There was an examination held for three chiefs of section in the statistical division some time before I went back there, a year ago, and perhaps a year and a half ago. Two examinations were held. Three men from the outside were selected, and they have charge of sections there now. Several gentlemen in the Department were examined at the same time for the same positions, and none of them passed. They all failed.

One of them was getting a salary of, I think, $1,000, or $1,200, perhaps. He was discharged by the Secretary summarily and reinstated in a few days. He went into the examination, but failed to secure the place. His salary was advanced to $1,600. On the resignation of Mr. Nassau, who was immediately reappointed, however, at $7 a day on a per diem, this gentleman, who was unsuccessful in securing the position as chief of section, was appointed to fill Mr. Nassau's place at $2,000—a promotion, after failing to pass an examination, over those who did pass, to a higher salary. He is a very good man himself, but I do not like the system of doing things.

There is one more case that I think is worthy of mention, that of a gentleman who came in at a salary of $750 a few weeks after Mr. Morton was made Secretary of Agriculture, who was promoted three times in three months up to $1,000, and in order to put him in charge of the printing in the Department, which then was under the control of the Department, he was required to pass a civil-service examination. He passed a noncompetitive examination and was appointed in charge of the printing. It was ascertained immediately afterwards, and while I was temporarily in the Civil Service Commission's employ, that he was not a citizen of the United States. Mr. Morton was called upon in relation to the matter and said that he did not see that that made any difference. He was informed that it made a difference whether a man committed perjury or not in swearing that he was a citizen of the United States, and he was informed that the best thing he could do was to have the man get out. The man, however, was never dropped from the rolls, and when the printing office of the Department was placed under the Government Printing Office and the Government Printing Office under the civil-service rules he was promoted to $1,800, and he is still in the service.

The CHAIRMAN. What is his name?

Mr. BARNES. George D. Skinner.

The CHAIRMAN. Was he appointed to the Government Printing Office prior to the date of the classification of that office?

Mr. BARNES. It does not appear so. He held his position under the Agricultural Department right straight along, and under salaries from $750 to $1,000, and did not cease to have charge of the printing at all during Mr. Morton's administration.

The CHAIRMAN. He was continued in charge of the printing during Mr. Morton's administration?

Mr. BARNES. Yes, sir; he was continued in the printing office, I suppose, in charge of it just as usual. I was not there during a good deal of the time, but I know his name was borne all the while on the pay rolls, and it is in this report of Mr. Morton's as having been in continuous service, and it is so stated in the Department.

There are others that I know by sight, but I do not know their names. There were three others of the Skinner family that were similarly in the service and similarly promoted that never passed the civil-service examination, but I believe they are married and out. It was no fault of theirs that their husbands were promoted when they were married.

I do not think of anything further, Senator.

Mr. PROCTER. Mr. Barnes, you speak of these appointments. You are aware of the fact, are you not, that prior to the amendment of the rules in 1894 and 1895 and May 6, 1896, there were a large number of excepted places in the Agricultural Department?

Mr. BARNES. Yes, sir.

Mr. PROCTER. And that there was a lump appropriation so that these people could be paid any sum practically that the Secretary might determine, and it was to cure the very evil to which you have called attention that the rules of May 6, 1896, were formulated?

Mr. BARNES. I understood that perfectly; but I understand that many of these promotions are without examination, and changes and appointments have been made since that time.

Mr. PROCTER. They have not been made since promotion regulations have been formulated. The promotion regulations were absolutely under the control of the Secretary of Agriculture until within the past few months.

Mr. BARNES (exhibiting). I think this is the circular which relates to that. It is dated December 1, 1896. That was when it was requested and authorized that promotions should be by competitive examination, was it not?

Mr. PROCTER. Not by competitive examination, but by——

Mr. BARNES. By recommendation of a board?

Mr. PROCTER. No; by a record of work in the office kept by a board in the office, based on the quality and character and quantity of the work performed.

Mr. BARNES. Many of these promotions have had no reference to that whatever that I can see.

Mr. PROCTER. But they were made prior to the formulating of those regulations.

Mr. BARNES. Some of those were and some were not.

Mr. PROCTER. None of the promotions you speak of were made since December?

Mr. BARNES. Yes; that of Mr. Frank H. Hitchcock, to take the place of Mr. Nassau, was made since then. Instead of being promoted to his salary he was promoted to a lower one. Yet it was a promotion. Then, in relation to the appointment of Miss Mack, the lady who preceded her was discharged because there was no authority, it was claimed, for her employment in the same position that Miss Mack was appointed to fill. It has not seemed that the civil service was counted when there was a desire to make an appointment.

Mr. Chairman, unless you have any more questions I have nothing further.

The CHAIRMAN. We will excuse you, Mr. Barnes.

GOVERNMENT PRINTING OFFICE.

TESTIMONY OF ALBERT BAKER.

ALBERT BAKER, being duly affirmed, testified as follows:

The CHAIRMAN. Where are you employed and in what capacity, Mr. Baker?

Mr. BAKER. In the Government Printing Office, as a clerk.

The CHAIRMAN. How long have you been employed in the Government Printing Office?

Mr. BAKER. For the past ten years.

The CHAIRMAN. In what capacity were you acting during the administration of Mr. Benedict?

Mr. BAKER. As his secretary.

The CHAIRMAN. What was the character of your official duties at that time? Were they such as to enable you to acquaint yourself with the method pursued in placing employees in the Government Printing Office under the classified service?

Mr. BAKER. Yes, sir.

The CHAIRMAN. How were the boards of civil-service examiners constituted for the Government Printing Office?

Mr. BAKER. The first board of examiners that was appointed?

The CHAIRMAN. Yes, sir.

Mr. BAKER. It was made up of employees in the office, and about equally divided as far as politics was concerned.

The CHAIRMAN. How many boards were there in all?

Mr. BAKER. I could not remember. I think there was one general board.

The CHAIRMAN. One general board?

Mr. BAKER. Yes, sir; a general board.

The CHAIRMAN. Can you give the names of the members of the board? Have you any means by which you could do so?

Mr. BAKER. I will try to do so. I think Mr. Harold Benedict was on the board; Mr. Hastie; Mr. Collins; Mr. Marston, I believe; Mr. Callahan, and Mr. Baines—the last two were binders—and Mr. Pierce.

The CHAIRMAN. Were the questions propounded by the Civil Service Commission prepared by these boards, or this board, as the case might be?

Mr. BAKER. The Civil Service Commission sent for members of the board. They sent for them through me at different times, and they went down to the Commission and consulted with the officials.

The CHAIRMAN. Please repeat your statement. I did not catch it.

Mr. BAKER. The Civil Service Commission sent for the board of examiners at different times; that is, members of the board. I do not understand that they ever had the full board down there. And they consulted with them in regard to the preparation of questions for the examination papers.

The CHAIRMAN. If I understand you correctly, the board never met as a board and passed upon the questions?

Mr. BAKER. Never to my knowledge did the board ever have a full meeting.

The CHAIRMAN. Whose duty was it to notify members of the board as to their meetings?

Mr. BAKER. The Commission, as a rule, called me up in regard to it.

Sometimes they sent for the board themselves. I believe in two or three cases they sent for the board, sent for members of it; they made the request direct.

The CHAIRMAN. Were any members of the board ever notified by you not to act in the capacity of such members unless they were requested to do so by the Public Printer?

Mr. BAKER. I think I can explain that to the full satisfaction of the committee.

The CHAIRMAN. Very well.

Mr. BAKER. At the time this board was appointed the members were named by the Public Printer, and it was made up of people of both political parties. The Public Printer supposed at the time the board was named that they were named for the purpose of going to the Commission and giving the Commission the benefit of their knowledge in regard to the different trades represented in the Government Printing Office.

Some little time after the board had been appointed the Civil Service Commission desired to place upon the board the name of Mr. Hastie. Mr. Hastie then had charge of the branch printing office in the Interior Department. He was called over to the Commission frequently in regard to work that passed between the Printing Office and the Civil Service Commission, and I presume at times they had consulted with him in regard to questions that might arise in connection with the printing business. They desired to have him on that board, he being a very valuable man. They then wished to put another man on the board, and Mr. Collins's name was suggested to offset Mr. Hastie's. Mr. Hastie is a Democrat and Mr. Collins is a Republican. That was after the first board was appointed, if I remember correctly. I am speaking now from memory. I have had no chance to look up the records in connection with it.

After that board, as it was then constituted, had been named, a controversy arose between our office and the Civil Service Commission over the duties of this board. I believe it was the idea of Mr. Webster that the board should hold practical examinations in the Government Printing Office. The Public Printer objected to the board holding practical examinations in the Government Printing Office.

Senator CHILTON. Mr. Webster was chief examiner of the Civil Service Commission?

Mr. BAKER. Mr. Webster was chief examiner then. He has since died. The Public Printer objected to the holding of examinations in the Government Printing Office on the ground that the Printing Office was not the place to hold examinations; that the work that came in there was hurried, and that it would interfere seriously with the work of the office to have examining boards go around in the office and hold examinations. And there were other grounds that he objected upon.

I went to the Commission and saw the Commissioners, and made a statement to them about these examining boards and the impracticability of their holding examinations in the Government Printing Office. I told them that at the time when appointments were made in the Government Printing Office they appointed anywhere from 50 to 100 printers; that there were 14 or 15 printing divisions, not to speak of other branches, and that they were liable to be assigned to different divisions, and it was practically impossible to hold the examinations; that it would be a matter of injustice to the printers who came in there to subject them to an examination in a strange office, where they were entirely unfamiliar with the work; and I suggested that the best plan would be

to let them come into the office and be assigned to their duties the same as every other printer went into a private concern. The office kept a record of what the employees did, and if they failed to come up to the standard they would be dropped out of the office, their probationary appointment canceled, and the full facts in connection with the same furnished to the Civil Service Commission.

I think about the time this controversy arose Mr. Collins received his commission one day when I was talking with him at his desk, and I suggested to him then that it would probably be as well to hold up in regard to acting on the board at present until that matter was settled between the Commission and the Public Printer. I think I suggested it to someone else there. I certainly told the Commission that I had suggested that.

The CHAIRMAN. Did this board continue to act subsequent to that time?

Mr. BAKER. No, sir; the board was practically abandoned after that. It never had a meeting after that, and the Civil Service Commission, or Mr. Procter, I believe, came around to the view that the position the office took was correct in connection with it, and the board was practically abandoned.

The CHAIRMAN. Do you mean to say, then, that preparation by a board composed of practical printers was abandoned?

Mr. BAKER. No, sir; I mean the matter of holding examinations in the Government Printing Office.

The CHAIRMAN. But you have continued from that time on to prepare a series of questions that should be asked?

Mr. BAKER. I am not able to say in regard to that. I suppose that the Commission have become familiar with the preparation of the questions, and they are acquainted with the people in our office. I presume they have consulted them since then. That is a question the Commission will have to answer.

The CHAIRMAN. You are not prepared, then, to state of your own knowledge as to whether this board has ever acted in that capacity since the time you had the conversation with Mr. Collins?

Mr. BAKER. No, sir; I am not prepared to say in regard to that. I know there never has been a full meeting of the board.

The CHAIRMAN. There never has been a full meeting?

Mr. BAKER. No, sir.

The CHAIRMAN. At what date was it that you made this statement?

Mr. BAKER. It was some time, I should think, in September, 1895; the latter part of September, 1895.

The CHAIRMAN. How long had the Government Printing Office been under the classified service at that date?

Mr. BAKER. Since June 13, 1895. From that date to the latter part of September.

The CHAIRMAN. The September following?

Mr. BAKER. Yes, sir; the September following.

The CHAIRMAN. Is there anything else that you would like to state in regard to the matter?

Mr. BAKER. I should like to state that if I did not explain to Mr. Collins the reason why I made this suggestion; it was entirely an oversight on my part. My volunteering that information was on my own account. I had no authority to do it especially. It was not done with that intention.

Senator ELKINS. I understand that you were the private secretary of the Public Printer.

Mr. BAKER. I was acting as secretary.

Senator ELKINS. And you advised Mr. Collins not to hold any session of the board of examiners?

Mr. BAKER. I advised him to hold up in regard to his appointment on the board until that matter was settled.

Senator ELKINS. Did you advise the other members of the board?

Mr. BAKER. Yes, sir; I think I did.

Senator ELKINS. All of them.

Mr. BAKER. I do not know that I did. I do not know that I was thrown in connection with all of them. I certainly did not send for them.

Senator ELKINS. Do you not think that the commission of the Civil Service Commission to Mr. Collins is an important and serious affair and amounts to a good deal?

Mr. BAKER. I think the question of holding examinations in the Government Printing Office rested largely with the Public Printer, and I thought it was a matter that was entirely within his jurisdiction. I thought that the employees of the Government Printing Office who went on to hold examinations in that office, in view of the fact that the Public Printer was responsible for the work there, would be doing something that they would not be justified in.

Senator ELKINS. Did you do this by direction of the Public Printer or on your own motion?

Mr. BAKER. I say I spoke to Mr. Collins upon my own motion.

Senator ELKINS. But as to the rest of them?

Mr. BAKER. I spoke to some of the others after talking with the Public Printer.

Senator ELKINS. Then, I understand that you did this by the advice and under the direction of the Public Printer?

Mr. BAKER. Yes, sir; partly.

Senator ELKINS. What do you mean by "partly?"

Mr. BAKER. I say "partly" because the Public Printer did not tell me to go and tell these people this thing.

Senator ELKINS. How did it come upon you, then? Did you have any authority in the premises without him? I want to know how far a private secretary can act without his principal.

Mr. BAKER. I can explain it to you, Mr. Elkins; I thought it would be a bad idea for them to go ahead.

Senator ELKINS. But I want to know what right you had to act without the authority of the Public Printer. Is it not assumed that when a private secretary speaks he speaks for his chief?

Mr. BAKER. No, sir; not on all questions.

Senator ELKINS. Is not that assumed?

Mr. BAKER. No, sir.

Senator ELKINS. Did it come into your mind on your own motion to direct that a commission issued by the Civil Service Commission must not be regarded?

Mr. BAKER. I did not direct Mr. Collins.

Senator ELKINS. You did not direct Mr. Collins?

Mr. BAKER. No, sir.

Senator ELKINS. You advised him?

Mr. BAKER. I advised him to hold up in regard to it until the matter was settled.

Senator ELKINS. Did you tell him that he should obey this advice or not?

Mr. BAKER. I do not know in regard to that. I can not remember. I can remember only vaguely any way in regard to it.

Senator ELKINS. You say that you acted partly on your own motion and partly by direction of the Public Printer. Explain that statement.

Mr. BAKER. The matter was talked over in the office there.

Senator ELKINS. Between you and the Public Printer?

Mr. BAKER. Yes, sir; and he requested me to go down to the Commission and make a statement.

Senator ELKINS. To which commission?

Mr. BAKER. To the Civil Service Commission, and make a statement of the matter in the office and the objections the office had in regard to the examinations.

Senator ELKINS. Let me understand. Did he direct you to go to the Civil Service Commission and tell the Civil Service Commission that he did not want this board of examiners?

Mr. BAKER. No, sir; he did not direct me to do that. He directed me to go to the Civil Service Commission.

Senator ELKINS. I do not want to know anything about that. Did you receive any direction from the Civil Service Commission that this board of examiners should not meet or did you get any advice from them?

Mr. BAKER. No, sir.

Senator ELKINS. Why did you not go to them if you had anything to say on that subject?

Mr. BAKER. To the Commission?

Senator ELKINS. Yes.

Mr. BAKER. I did, sir. I made the statement here that I went to the Commission.

Senator ELKINS. Did you tell them that you had advised Collins not to have any meetings?

Mr. BAKER. I told them that the board of examiners had been advised not to hold any examinations in the Government Printing Office.

Senator ELKINS. By the direction of the Public Printer?

Mr. BAKER. By the direction of the Public Printer.

Senator ELKINS. That is what I wanted to get at. And in pursuance of that direction from the Public Printer no meetings were ever held?

Mr. BAKER. No examinations were held in the Government Printing Office.

Senator ELKINS. You did this, then, with the consent of the Civil Service Commission? This was all done with the consent and knowledge of the Civil Service Commission?

Mr. BAKER. I do not understand your question, Senator.

Senator ELKINS. This action of yours in advising the board of examiners not to meet was with the consent and knowledge of the Civil Service Commission?

Mr. BAKER. Yes, sir; I will say knowledge, not consent, because I do not know what their views were in connection with it.

Senator ELKINS. And it was done by direction of the Public Printer?

Mr. BAKER. Yes, sir.

The CHAIRMAN. Mr. Procter, do you desire to ask Mr. Baker any questions?

Mr. PROCTER. Yes, sir. Mr. Baker, at the first conference which was held with the Public Printer, I believe you were not present?

Mr. BAKER. No, sir.

Mr. PROCTER. Then, you could not answer on that point. I was going to ask whether it was not thought then by the Public Printer

that the Civil Service Commission could hold examinations in the Government Printing Office. That was afterwards abandoned, you say. However, you are aware of the fact that this board of examiners, consisting of bookbinders, compositors, and proof readers, did consult frequently with the Civil Service Commission as to the scope of the first examinations?

Mr. BAKER. Yes, sir.

Mr. PROCTER. And that afterwards when we were preparing an examination for compositors the Commission, through you, requested the compositors to come; and when we wished to hold an examination for bookbinders we requested the bookbinders on the board to come to the Commission?

Mr. BAKER. Yes, sir.

Mr. PROCTER. It was not deemed necessary to bring the full board, but only the trades represented in the examination which was then being prepared. Is not that true?

Mr. BAKER. Yes, sir; that is correct.

Mr. PROCTER. But we did frequently send for the different members of the board for consultations in preparing the examinations?

Mr. BAKER. Yes, sir; you sent for me at different times, and I requested them to go down there.

Mr. PROCTER. I remember seeing in the Printing Office a book in which for a number of years the names of the people appointed were kept. Is there such a book there now?

Mr. BAKER. Yes, sir.

Mr. PROCTER. Is it not true, as my recollection is, that opposite the name of the printer or the person who was appointed in the Printing Office was the name of the Representative or Senator who had recommended him?

Mr. BAKER. Yes, sir.

Mr. PROCTER. That is true, is it not?

Mr. BAKER. Yes, sir.

Mr. PROCTER. And is it not true that a majority of the people appointed prior to the classification of the Printing Office were appointed on the recommendations of Representatives and Senators?

Mr. BAKER. They were almost wholly appointed in that way.

Mr. PROCTER. They were almost all of them appointed in that way?

Mr. BAKER. Yes, sir.

Mr. PROCTER. And that was the only examination to which those people were subjected?

Mr. BAKER. Previous to coming into the office?

Mr. PROCTER. Previous to coming into the office.

Mr. BAKER. Yes, sir.

Mr. PROCTER. The examination now is a practical examination prepared by the Civil Service Commission upon consultation with the trades people in the office and with the people who are on the civil-service boards who have knowledge of the different trades?

Mr. BAKER. Yes, sir.

Mr. PROCTER. I should like to ask you if you can give an opinion as to the character of the people who are coming in through these examinations?

Mr. BAKER. Candidly, I do not wish to express an opinion if I can help it.

Mr. PROCTER. I do not want to press you.

Mr. BAKER. If the committee wishes my opinion I certainly will have to give it.

The CHAIRMAN. You can give any opinion you may have that is based on facts or upon evidence.

Mr. PROCTER. Yes; based on facts. You have been ten years in the Printing Office?

Mr. BAKER. Yes, sir.

The CHAIRMAN. You can state what you know of your own knowledge.

Mr. PROCTER. You know something of the character of the people who are being supplied by these examinations?

Mr. BAKER. They are very good.

Mr. PROCTER. Do you know anything about how many people you have been forced to drop for inefficiency who have been appointed through these examinations?

Mr. BAKER. You mean previous to the expiration of the six months' probationary period?

Mr. PROCTER. When on trial by the Public Printer.

Mr. RICE. That is, during the probationary period?

Mr. BAKER. I think somewhere in the neighborhood of ten.

Mr. PROCTER. Ten out of the whole number?

Mr. BAKER. Yes, sir.

Mr. PROCTER. I see in the evidence which Mr. Benedict gave before the Commission he states that he was compelled in one year to drop 48 of his own appointees, or men appointed on the recommendation of Congressmen. That would then be a larger percentage than have been dropped on probation after the examinations?

Mr. BAKER. Yes, sir.

Mr. PROCTER. I see here in a table prepared by a committee of the Typographical Union that the dismissals prior to the classification would run from 92 a year up to 496 a year, and that the dismissals since classification have never run over 29 a year?

Mr. BAKER. That applies to printers only?

Mr. PROCTER. To printers only, I mean.

Mr. BAKER. That is some data which was prepared by direction of the Typographical Union.

Mr. PROCTER. And consequently, even if those people were dismissed for cause, it would show that there is less cause now for dismissal in the proportion that 29 bears to 496?

Mr. BAKER. Those are the figures there, and it is said that figures do not lie.

Senator ELKINS. Are you in the office now?

Mr. BAKER. Yes, sir.

Senator ELKINS. As I understand your testimony, it is that after attempting to apply the civil-service rules you got better men and better service than under the former system, whatever it was—recommendations by Congressmen—and that it worked better?

Mr. BAKER. I was not asked that question.

Senator ELKINS. I should like to ask it myself. I want to make a little comparison between the recommendations of Representatives and Senators and the operations of the civil-service law. I want to bring that right out. I believe in civil service myself; I think it has brought about better results; but I want to know if it did not bring them about. I should like to have you state whether that is the case, if you know. I have not any knowledge on the point.

Mr. BAKER. It was certainly a relief as far as my desk is concerned.

Senator ELKINS. No, but generally. You are pretty bright, Mr. Baker, and you might tell. Did not the Government get better service, greater efficiency, under the civil-service examinations than under

the recommendations made by members of the Senate and the House and the Cabinet, and all others concerned in getting fellows into good places?

Mr. BAKER. Some of the best mechanics, as good mechanics as there are in the office, came in there through civil service.

Senator ELKINS. You do not get right at the mark. Do you not know which is better? Which is the better system?

The CHAIRMAN. I think I can bring out that point if you can not.

Senator ELKINS. I should like him just to answer that question. He understands it.

Mr. BAKER. I do not wish to come before the committee and express my individual opinion.

Senator ELKINS. No, I do not want your opinion; I want your knowledge, after looking over the whole situation.

Mr. BAKER. I do not want you to think that I am trying to evade the question. I have my own views in regard to civil service in the Government Printing Office.

Senator ELKINS. We are entitled to your views.

Mr. BAKER. My views might not agree with the opinion of the head of the office.

Senator ELKINS. That makes no difference. I do not want your views; I want your knowledge. I do not care whether your opinion agrees with his or anybody else's. You are here to tell what you know as a matter of fact. What was the result before and after? Was it in favor of civil service or not?

Mr. BAKER. It was in favor of civil service.

Senator ELKINS. That is what I wanted to know, just the plain English. I wanted to understand that. Now, one other question: How long were you the private secretary of Mr. Benedict?

Mr. BAKER. During his whole term.

Senator ELKINS. And during that term how many hours did the employees of the Printing Office work per day?

Mr. BAKER. The mechanical part of the office works eight hours a day.

Senator ELKINS. And the other part how long?

Mr. BAKER. The clerks are supposed to work six and a half hours. I think I can explain that to the Senator.

Senator ELKINS. Well, wait a minute. The mechanical part work eight hours and the clerks work six and a half hours. Why does not the mechanical part have just as good a show as the clerical part?

Mr. BAKER. The mechanical part work by the hour, at so much an hour.

Senator ELKINS. They get paid so much an hour?

Mr. BAKER. So much an hour, and if they work overtime they charge the office for it. The clerical force work by the day, and they receive no extra compensation for overtime. I have worked a great many hours of overtime as a clerk in that office.

Senator ELKINS. But there are a lot of people in there who do not work by the hour. The mechanical part do, I should think. Please state who work by the hour and who do not. I know all the messengers and that class do not work by the hour.

Mr. BAKER. Yes, sir; they work by the hour.

Senator ELKINS. They work by the hour?

Mr. BAKER. Yes, sir.

Senator ELKINS. That is new to me. Everybody then but clerks, in the Government Printing Office, works by the hour?

Mr. BAKER. There may be a few per diem employees among the mechan-

ics, like the foremen. There are one or two per annum employees fixed by statute—the foreman of printing and foreman of binding. The employment of some of them is fixed by the day. The printing laws specify so much an hour for printers, bookbinders, and pressmen.

Senator ELKINS. Though the law requires them to work eight hours a day, why could they not work four and quit?

Mr. BAKER. They could, but they would receive pay only for four hours. The law requires that they shall not work more than eight hours.

Senator ELKINS. Is not eight hours the law for Government employees everywhere?

Mr. BAKER. In the Departments?

Senator ELKINS. Everywhere; is not eight hours for a day's work the law?

Mr. BAKER. I am not familiar with that, but I think it is seven hours.

Senator ELKINS. And you say it is seven?

Mr. BAKER. Yes, sir; I am not familiar with it except from what I have understood. I would have to take somebody else's statement.

Senator ELKINS. But you do know that the clerks in the Government Printing Office work only six and a half hours?

Mr. BAKER. Some of them work longer than that.

Senator ELKINS. I mean ordinarily.

Mr. BAKER. Ordinarily six hours and a half.

Mr. RICE. Mr. Baker, to return to the subject of the controversy with the Public Printer in the matter of the examining board, was not the essence of that controversy the place where the examinations should be held?

Mr. BAKER. Yes, sir; entirely.

Mr. RICE. As to where the examination could be held most conveniently and most efficiently?

Mr. BAKER. Yes, sir; efficiently.

Mr. RICE. Was it not also a fact that the rule said "the members of any such board of examiners in the performance of their duties as such shall be under the direct and sole control and authority of the Commission"? That may not have been the exact wording then. It is the wording now.

Mr. BAKER. Was that the wording in the promotion regulations?

Mr. RICE. It is the wording as it is now. "The members of any such board of examiners in the performance of their duties as such shall be under the direct control and authority of the Commission."

Mr. BAKER. At the time the Printing Office was covered under the civil service, there were special rules framed for that purpose, and they were not consolidated under those general rules until the revision of the civil-service rules took place. I do not know that there was any provision in the original rules for an examining board in the Government Printing Office.

Mr. RICE. Yes, I think there was. I think there was an advisory board there. So far as I had to do with the constitution of the board my view was that there was an advisory board. What I want to bring out is that the essence of the controversy was the place where those examinations should be held.

Mr. BAKER. Yes, sir.

Mr. RICE. And the Commission did come to Mr. Benedict's view?

Mr. BAKER. Yes, sir. I should like to add just a little something to my testimony in regard to the examination by Senator Elkins. The seven hours that constitutes the time that the clerks shall work would

be met in our office. They work six and a half hours and take half an hour at lunch time. That constitutes the seven hours of the Departments. They work just the same in the Government Printing Office as they do in every Department in Washington.

Senator ELKINS. I am glad to hear that. That is the clerical force?

Mr. BAKER. The clerical force.

Senator ELKINS. But they do not work as much as they do in the mechanical part?

Mr. BAKER. There are very few clerks there.

The CHAIRMAN. Have you had occasion to look into the character of the questions which are propounded to applicants?

Mr. BAKER. Yes, sir.

The CHAIRMAN. What is the nature of the questions asked the applicants who seek employment in the Government Printing Office?

Mr. BAKER. That the Civil Service Commission examine?

The CHAIRMAN. Yes, sir.

Mr. BAKER. I have looked them over and talked with the Commission in regard to them. I have made suggestions.

The CHAIRMAN. What is the nature of the questions asked?

Mr. BAKER. It varies in the different trades. For the printers the examination is the most practical of all.

The CHAIRMAN. And you say that you think under the present management of the Printing Office you have a better class of workmen and get better service out of them and greater efficiency than you got under the old system?

Mr. BAKER. I believe I answered that. Yes.

The CHAIRMAN. That is your opinion?

Mr. BAKER. Yes, sir.

The CHAIRMAN. Do you know how many men are employed in class 1, and can you state the character of men who are classified in class 1 as skilled laborers?

Mr. BAKER. The employees in the Government Printing Office are grouped under three groups.

The CHAIRMAN. How many skilled laborers, properly speaking, are there in the first group?

Mr. BAKER. About 400, I suppose.

The CHAIRMAN. Out of a total of how many?

Mr. BAKER. Out of a total of about 3,000.

The CHAIRMAN. You think that there are 400 who could properly be classed as skilled laborers?

Mr. BAKER. I think 400 or 450. That is all published in the tables compiled by the Civil Service Commission brought down to June 1, 1896. That will give accurate information.

Mr. PROCTER. Mr. Baker, in our application for examination in the Government Printing Office there is this form:

> No applicant for employment in any of the recognized trades of the Government Printing Office will be examined unless he has served five years at the particular trade in which he desires to be employed, at least three years of which service must have been rendered as an apprentice and one year as a journeyman.

Are you aware of the fact that that was put in there at the instance of the skilled mechanics in the office after consultation with the Civil Service Commission?

Mr. BAKER. It was. I was down before the Commission when they made that request.

Mr. PROCTER. You were before the Commission when that request was made?

Mr. PROCTER. And you are aware that that has been followed in all the examinations?

Mr. BAKER. Yes, sir.

The CHAIRMAN. Five years is the limit?

Mr. PROCTER. Yes.

The CHAIRMAN. Were they required to serve two years as journeymen after they had learned the trade?

Mr. BAKER. Did Mr. Procter state five years or four years?

The CHAIRMAN. Five years, I understood him to say.

Mr. PROCTER. Five years.

Mr. BAKER. I suppose the first requirement was that they had to serve four years, three years as an apprentice and one year as a journeyman. The rules of the typographical union now require, I believe, that apprentices must serve four years at their trade. When I learned my trade I served three years, under the rules of the typographical union. I believe they have changed it to four years now.

Mr. PROCTER. Was not the discussion with the Public Printer about the holding of the examinations at the Civil Service Commission instead of the Government Printing Office in reference to the practical part of the examination, and did not the Public Printer decide that in his opinion the number at work would be sufficient without holding the practical examination which was first agreed upon?

Mr. BAKER. Yes, sir; that was the contention.

Mr. PROCTER. And that therefore the examination as held by the Civil Service Commission should be held at the rooms of the Commission and in different parts of the country; that the practical examination should be abolished, and that it would consist simply of the work of the man after he was certified for appointment?

Mr. BAKER. Yes, sir; that is correct in regard to that part of it.

Mr. PROCTER. You have been in the Printing Office for ten years. Is the amount of work turned out now about as much as ever before?

Mr. BAKER. There is more work turned out there now than before. The work in the Government Printing Office is increasing from year to year.

Mr. PROCTER. About what is the force now?

Mr. BAKER. I am not able to state what the force is at this time. I am not familiar with it. I have nothing to do with the administrative part.

Mr. PROCTER. What was the force the last time you had anything to do with the records?

Mr. BAKER. There were about 3,000 employees, counting in all temporaries, everyone who was employed in the office.

The CHAIRMAN. What percentage of printers employed in the Government Printing Office are from the District of Columbia?

Mr. BAKER. I have never made up a statement in regard to that point. I never looked over the matter in regard to the printers. In regard to the whole office, the books of the office show——

The CHAIRMAN. Can you state from memory about the number?

Mr. BAKER. I suppose there are about 900 people in there.

Senator ELKINS. From the District?

Mr. BAKER. From the District.

The CHAIRMAN. Do you know what percentage of those employed under the operations of the civil-service law come from the District? In other words, have the rules in regard to the different States having their quota been observed?

Mr. BAKER. The civil-service rules except the Government Printing Office from the apportionment regulation.

The CHAIRMAN. So you are at liberty just to employ individuals from the District of Columbia alone, if you choose to do so?

Mr. BAKER. If they stand high on the list they get certified to the office.

Senator ELKINS. Whether they live in the District or not?

Mr. BAKER. Yes, sir.

The CHAIRMAN. But I ask if they are not at liberty, under the present rule, if the persons are certified to them, to take District people alone?

Mr. BAKER. They would not be at liberty to take them alone, Senator, because they would get three men on a certification. It would be pretty hard work to pick them out from the District alone. They might have three men certified from the States.

The CHAIRMAN. Is there anything in the rules that requires them to certify persons from the different States?

Mr. BAKER. No, sir; there is nothing in the civil-service rules that requires it.

Senator ELKINS. Can a man be employed in the Government Printing Office in any capacity if he is not a member of one of the unions?

Mr. BAKER. There is nothing in the law of Congress to prevent him from being employed.

Senator ELKINS. I know there is not in the law of Congress. I guess there is not, at least.

Mr. BAKER. There is nothing in the law to prevent it.

Senator ELKINS. How does it operate down there? Do you employ a nonunion man there?

Mr. BAKER. If a nonunion man came into the Government Printing Office, for instance, a printer, he would be very apt to be a discordant element in the division in which he worked.

Senator ELKINS. I do not ask you that. I think perhaps he would.

Mr. BAKER. I do not think he would stay there long.

Senator ELKINS. I do not ask you that, either. I ask you if your office does employ such a man, to start with.

Mr. BAKER. I think he might get in there under the civil-service rules. There is nothing to prevent him from coming in. I made out appointments in the office under Mr. Benedict's administration. I did not sit at my desk and ask the printer when he came in whether he belonged to the union. I was not authorized to do so.

Senator ELKINS. Did you ever get a printer who did not belong to the union?

Mr. BAKER. Yes, sir.

Senator ELKINS. What became of him?

Mr. BAKER. He is working somewhere else now. He dropped out.

Senator ELKINS. Did you drop him out?

Mr. BAKER. Well, the office was lucky in a certain way. The printer was not competent who came in.

Senator ELKINS. It was found out that he was not competent?

Mr. BAKER. He was not competent. As a general rule, the best printers belong to the union. There are very few good printers who do not.

The CHAIRMAN. Then I understand you to say that an incompetent man got in through the civil service?

Mr. BAKER. Yes, sir. He was dropped out at the expiration of four or five days.

The CHAIRMAN. It happened that a man who was not a member of the union, although he passed the civil-service examination, proved to be incompetent. So that is an exception to the rule stated awhile ago,

when you said that only competent men were employed by that system.

Mr. BAKER. Senator, I did not make that statement. I do not care to be put on record in that way. I did not state that. I do not think anything is perfect.

The CHAIRMAN. I beg pardon; I do not want to misquote you.

Mr. BAKER. All right.

The CHAIRMAN. It is possible, then, to drop a man if they do not want him in the Government Printing Office?

Mr. BAKER. Yes, sir; on the records.

Senator ELKINS. It is dropping him if he is not on the records?

Mr. BAKER. I say on the records of the office he would be dropped.

Senator ELKINS. They just drop him out?

Mr. BAKER. They keep a record of what the men do.

Senator ELKINS. I do not understand really, and now make it plain. If a nonunion man passes every examination and answers every question, is it soon found out down there that he is not competent? Is there some other examination that he has to go through, or what? Just tell us all about it.

Mr. BAKER. They keep track of what the printers do who come into the Government Printing Office—the number of ems they set.

Senator ELKINS. Who keeps track?

Mr. BAKER. The office does.

Senator ELKINS. But the parties there pass him, and the Civil Service Commission passes him, and he gets in, and then he gets out in about five or six days, as you said awhile ago?

Mr. BAKER. Yes, sir.

Senator ELKINS. He is dropped or something; he gets out?

Mr. BAKER. His probationary appointment is canceled.

Mr. PROCTER. There was only one man, you stated?

Mr. BAKER. Only one man. The records of the office show that he was incompetent. The number of ems he set——

Mr. PROCTER. But there were ten men dropped who were certified to you? Out of the whole number certified ten were dropped on probation?

Mr. BAKER. Yes, sir; out of 155.

Mr. RICE. Can a man be appointed permanently before he has served six months?

Mr. BAKER. No, sir.

Senator ELKINS. I want to know if a man can stay in the Government Printing Office if he is not in the union. Can he or not?

Mr. BAKER. I would have to give just an opinion in regard to that. It has never been demonstrated that he could.

Senator ELKINS. No; I guess not; that is what I think. It never has been demonstrated that he could. But could he not? Let us put it the other way.

Mr. BAKER. The Public Printer would have to have a good deal of backbone, I think, to keep a man in that office who was not a union man.

Senator ELKINS. Although he might be certified by the Civil Service Commission?

Mr. BAKER. Yes, sir. I do not think Congress would uphold him.

Senator ELKINS. And he would have every qualification?

Mr. BAKER. Yes, sir.

Senator ELKINS. There is something higher than the Civil Service Commission and Congress, is there?

Mr. BAKER. I think the Senator is entirely familiar with the strength of unions.

Senator ELKINS. It is an interesting question, because it might happen that a man was competent and yet was not a member of the union and could not stay there.

Mr. BAKER. I tell you, Senator, people have come in there who did not belong to the union, but they have joined the union after they came in.

Senator ELKINS. I take it for granted that the majority of printers, indeed all of them, are members of the union.

Mr. BAKER. Most of them are members.

The CHAIRMAN. That is quite true, of course, but you will find in every town printers who are not members.

Mr. BAKER. They do not belong to the best class of printers.

Senator ELKINS. According to Mr. Baker they are not in the Government Printing Office.

Mr. BAKER. No, sir; they do not get there.

Senator ELKINS. Have you, down there, the typesetting machines, what they call the linotype?

Mr. BAKER. No, sir.

Senator ELKINS. Would that be a good thing to put in there?

Mr. BAKER. I do not think the Public Printer will ever put typesetting machines in the Government Printing Office. I do not think Congress would uphold him in doing it.

Senator ELKINS. It does not make any difference what Congress would do. I notice that most of the larger printing offices in the country have them. They have them here at the Post, I think.

Mr. BAKER. There is only certain work in the Government Printing Office that could be set with typesetting machines. In a majority of it there are corrections.

Senator ELKINS. And it has to be done by hand?

Mr. BAKER. It has to be done by hand to make corrections. There is too much technical work there.

TREASURY DEPARTMENT.

BUREAU OF INTERNAL REVENUE.

The CHAIRMAN. Mr. Harlow has to leave, and before he goes I wish to read a letter from G. W. Wilson, Acting Commissioner of Internal Revenue. He says:

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF INTERNAL REVENUE,
Washington, D. C., May 21, 1897.

Hon. J. C. PRITCHARD,
Chairman Committee on Civil Service and Retrenchment,
United States Senate.

SIR: In reply to your letter of the 17th ultimo, submitting inquiries on certain matters relating to civil-service law and regulations, I have the honor to state as follows:

First. There are 3,302 officers and employees in the internal-revenue service outside of the Internal Revenue Bureau, 3,188 of whom have been classified under recent revisions of the civil service rules. One hundred and ninety-nine of the 200 officers and employees of the Internal Revenue Bureau are now classified, making a total classified force connected with the collection of the internal revenues of 3,387, out of a total force of 3,502. The unclassified force, amounting to 115 persons,

consists of the Commissioner of Internal Revenue, above classification; the 63 collectors of internal revenue, also above classification, and 51 deputy collectors receiving $300 or less per annum, and excluded from classification under section 8 of civil-service Rule III.

Second. The views of this office in regard to deputy collectors are embodied in reply to inquiry No. 3.

Third. It is believed that some amendments might be made to the civil-service rules with advantage to the service.

Rule VI should be modified so as to increase the number of excepted places in the internal-revenue service. The positions of chief deputy and cashier should be excepted in every district, and in the larger revenue-producing districts, where the collections reach twelve or fifteen millions annually, the collector should have the unrestricted choice of a larger number of his subordinates. This recommendation is based upon the recognition of responsibility as a valuable principle in the transaction of Government affairs—one which too wide an extension of the competitive system will tend to eliminate. In all branches of the service any position the duties of which are necessarily confidential should be filled by personal selection on the part of the officer between whom and the appointee such confidental relations exist. I would also recommend the addition to the list of excepted places of all deputies employed exclusively in the sale of stamps, and that the number of excepted places in each district be determined by the Commissioner of Internal Revenue, who is in a position to estimate the comparative needs of the several districts in this regard.

I also recommend that Civil Service Rule IX be modified so that vacancies in the internal-revenue service caused by death or voluntary resignation, and places established by the allowance of additional force, may be filled in the discretion of the nominating officer by the reinstatement of former employees separated from the service through no fault of their own, without regard to the length of time the person recommended for reinstatement has been separated from the service. Training counts for much in the internal-revenue service, and in many cases better results would be secured by the restoration of experts formerly in the service than by selection from the eligible lists. There does not appear to be any good business reason why the term of eligibility of persons specially fitted by experience and training for the work in hand should be arbitrarily limited to one year. An official record of faithful and valuable service covering a number of years as a basis of eligibility for reappointment would be in accord with the principle of the probationary term, and no officer with practical experience in administrative work can doubt the value to the service of a rule making such reappointments permissive.

Fourth. I do not recommend that the civil-service law be repealed or amended. The merit system is a valuable one. The present law provides for competitive examinations for appointments only "so far as the conditions of good administration will warrant." It contemplates modifications of the rules made to carry it into effect. I believe that with suitable modifications of existing rules the law can be brought into harmony with good sense and good administration. The power of making and modifying regulations under this, as under other laws, is conferred for the purpose of giving sufficient flexibility to the original act to meet conditions which could not be fully defined and provided for at the time of its passage. This power can be exercised freely whenever and wherever the interests of the service require it.

In connection with the subject of this letter, I beg to suggest a pro-

ision of law, either an amendment to an existing law or an independent act, fixing a term of office for all classified employees of the government, so that each appointee, after successfully passing his probationary term, shall be appointed for a term of years, not less than four or more than eight, and shall not be removable, except for delinquency or misconduct during such term; persons thus appointed to be eligible, in the discretion of the appointing officer, for reappointment on the expiration of the term of office thus fixed, their eligibility for reappointment to be determined by their official record. Under such a law it would be practicable to weed out incapables from the service at the end of a fixed time, while the hope of reappointment would be a greater stimulus than is now afforded to zealous performance of duty and progressive efficiency on the part of the competent. Such amendment would also relieve the civil service law of the criticism attaching to it in the minds of many that it creates a life tenure in the classified service, contrary to the will of the people and the genius of our institutions.

In conclusion permit me to say that if the law were amended so as to make it absolutely perfect, if it is unwisely or unfaithfully administered it will fail. Some of the ironclad rules made by the Commission have been more hurtful than helpful to the reform, and have not been in the interest of good service. A liberalization of the rules, combined with a thoroughly nonpartisan application of them will commend the law to the people. A condemnation of unfaithfulness in the administration of the law may have its basis in a partisan sentiment, as in some instances, the enemies of the law condemn practices under one Administration which they are quite willing to condone under the next. This is too much in the spirit of the zealot who was in favor of having witches burned until he found one in his own family. The remedy for wrongs permitted by the Civil Service Commission during any Administration is not to be found in evasions of the law under the next Administration; but such wrongs should be remedied in a straightforward and direct manner.

The suggestions contained in this letter are made from a purely business standpoint, with a full and hearty recognition of the value of a faithful and nonpartisan administration of the civil-service law as an instrument of good government.

Very respectfully,

G. W. WILSON,
Acting Commissioner.

Those are the suggestions he has to make.

Mr. RICE. I understand the Acting Commissioner to advocate the exception of chief deputy collectors.

The CHAIRMAN. The chief deputy and cashier.

Mr. RICE. It is now provided by the rule that one employee in each internal revenue district shall act as cashier, or chief deputy, or assistant collector, as they may determine.

The CHAIRMAN. He simply asks that an additional man in the office shall be exempt, to be known either as chief collector or cashier. He makes the distinction, however, that in large districts it should be exempt and in smaller districts it should not be exempt. That would not apply always.

Mr. RICE. The law as it stands now is wider in one particular.

The CHAIRMAN. In my judgment every deputy collector who is a field deputy and out in the field should be exempt, and the man in the office should be treated as an office employee. I think that is the proper basis.

GOVERNMENT PRINTING OFFICE.

TESTIMONY OF HAROLD BENEDICT.

HAROLD BENEDICT, being duly sworn, testified as follows:

The CHAIRMAN. Please state where you reside and in what business you are employed.

Mr. BENEDICT. I reside at 153 A street NE., Washington, D. C. That is my present residence. My home is in New York State. My business is that of a printer and proof reader.

The CHAIRMAN. How long have you been a printer, Mr. Benedict?

Mr. BENEDICT. I commenced my apprenticeship in 1878.

The CHAIRMAN. You can now proceed to make such a statement you desire to submit.

Mr. BENEDICT. I am entirely at the disposal of the committee.

The CHAIRMAN. I would suggest that Mr. Procter, who requested that you be sworn, ask you any questions he wishes to put.

Mr. PROCTER. You were one of the members of the civil service examining board in the Public Printing Office?

Mr. BENEDICT. I was.

Mr. PROCTER. How many members were there on the board?

Mr. BENEDICT. I do not recall the number of members. I should say there were 13 or 14.

Mr. PROCTER. They represented the different trades in the office?

Mr. BENEDICT. They did.

Mr. PROCTER. What was the character, as workmen, of the men who constituted the board; were they considered competent?

Mr. BENEDICT. Public Printer Benedict selected them because of their competency.

Mr. PROCTER. Is it not true that our chief examiner, Major Webster, also investigated the character and competency of those men in the office?

Mr. BENEDICT. Yes, sir; quite thoroughly, I believe; at least he raised a question on one of them.

Mr. PROCTER. Did the members of the examining board consult with the Civil Service Commission about the character of the examinations?

Mr. BENEDICT. Yes, sir; very freely. The full board met at the rooms of the Civil Service Commission on three or four occasions and very fully and carefully went over the question as to the law and as to the character of the examinations and what questions should be asked. Each man was allowed to express his opinion, and the consultation was very thorough.

Mr. PROCTER. From time to time were not changes in the method of examinations recommended by the board?

Mr. BENEDICT. Yes, sir.

Mr. PROCTER. My recollection is that some recommendations of changes made by the Civil Service Commission were opposed by members of the board, and that the Commission acceded to the opinion of the board.

Mr. BENEDICT. Very often; in a great many cases, I remember. So far as the printers' examination is concerned, the printers had their own way pretty generally.

Mr. PROCTER. Was it considered by the printers and the pressmen and the compositors that the examinations were of a practical character and well suited to bring out the abilities of the persons to be appointed?

:NEDICT. Mr. Procter, I have heard a large number of printers themselves in regard to the character of the examination— ced men, who have worked in other cities—and they have f it very highly to me.

ROCTER. You have had under you men who have been appointed those examinations. What was their general character and as workmen?

ENEDICT. I consider that the men employed or secured under -service law are fully 50 per cent better than those who were d to the office under the spoils system. They average better, get comparatively few, practically no, poor men.

ROCTER. Is it not true that under the old system incompetent e frequently appointed through the recommendations of Rep- ives and Senators and that those men were kept there by the of Representatives and Senators, even when the Public Printer the good of the service demanded their dismissal?

ENEDICT. My understanding is that men were appointed political or personal influence, and that men have often been ough they were incompetent, and I may say—it has some bear- he question which Senator Elkins asked a short time ago—that ccasion a man was kept in the Government Printing Office for me, notwithstanding the fact that he was not a member of the

HAIRMAN. I should like to ask you a question. Will you give e of some Representative or Senator who insisted on an incom- an being kept in office? I should like to get the name.

ENEDICT. The man to whom I refer was Senator Plumb.

HAIRMAN. Whom did he have kept in the office?

ENEDICT. I do not recall the man's name. It is a matter of phical Union record, however.

HAIRMAN. Who was Public Printer at that time?

ENEDICT. Mr. Rounds.

HAIRMAN. How long ago has that been?

ENEDICT. That was in 1882, I should think, or 1881.

HAIRMAN. Do you know of anyone being kept in by Mr. Palmer kept there by influence, although he was incompetent?

ENEDICT. I think practically all the men who were appointed Palmer were appointed because of the political influence back , and the presumption is that they were retained because of litical influence.

HAIRMAN. What percentage of those men were incompetent? per cent of them incompetent?

ENEDICT. They were incompetent, indeed.

HAIRMAN. How many—what per cent?

ENEDICT. I could not say as to that. It would be rather diffi- nswer the question.

HAIRMAN. Quite a per cent of them were incompetent?

ENEDICT. There was quite a percentage of incompetent men.

HAIRMAN. How was it with Mr. Benedict after he came in? ppoint any incompetent men under political pressure?

ENEDICT. He did.

HAIRMAN. Did he appoint about the same proportion of incom- en that Mr. Palmer appointed?

ENEDICT. When Public Printer Benedict was appointed the , he had had, during his last term, three years' experience in the nent Printing Office, and I think he guarded pretty well against pointment of incompetent *men during his* last administration.

as a Republican, made appointments at the request of Democratic Senators and Democratic Representatives. It is fair to presume, also, that he made those appointments for the purpose of retaining or securing the friendship of the Democratic Congress and the Democratic President. Whether or not that was his purpose, it is certain, positively certain—the books will show it—that four-fifths of the appointments made by Mr. Palmer from the time of Mr. Cleveland's election until the time Mr. Palmer went out of office, the 7th day of May, 1894, were of Democrats, and he crowded the office.

The office was terribly overcrowded, so much so that men were only working about two-thirds time. They were furloughed, and notwithstanding those furloughs and the scarcity of work, Captain Brian himself told me, frequently that ten or a dozen men would come before him in his office with appointments in their hands from the Public Printer and demand work. Of course, he had to give it to them; they had the authority in their hands. That was done on the very same day that one-third of the Government Printing Office was on furlough. As I said, the office was terribly overcrowded, and that was why when Public Printer Benedict came in and applied business principles to the office he discharged men right and left—wholesale.

The CHAIRMAN. Were the men whom he discharged Republicans or Democrats?

Mr. BENEDICT. I should infer—I have no positive information about it—that they were pretty generally Republicans.

The CHAIRMAN. So, then, if Palmer crowded the office with Democrats before he went out and then Brother Benedict came in and emptied the office of Republicans, it left the Republicans largely in the minority in the office?

Mr. BENEDICT. I should say he left about 40 per cent of Republicans; but I should also say, if you will allow me, that he discharged quite a number of men during his last administration who remained in the office during his first administration, showing that he had no feeling toward the men, but just a desire to get the office down to a business basis.

The CHAIRMAN. The classified service was not applied to the Public Printing Office until after the election of 1894, was it?

Mr. BENEDICT. June, 1895; that is true. You refer to the Congressional election of 1894.

Mr. PROCTER. Did you see the book in which a record of the appointments in the Government Printing Office was kept? Have you had access to that book?

Mr. BENEDICT. I have looked at it frequently.

Mr. PROCTER. Is it true, as Mr. Baker stated, that a large majority of those men have the names of the Representatives and Senators who recommended them for office opposite their names?

Mr. BENEDICT. They have the names of the influence of the men, whether he be Senator, Congressman, minister, or personal friend of the Public Printer.

Mr. PROCTER. That, then, was practically the only examination to which the men were subjected before they were brought into the office?

Mr. BENEDICT. I believe Public Printer Benedict, once in a while, used to ask, in case of printers, if the man was a union man. That is the only examination I am aware of.

Senator ELKINS. What did he do with him then when he got the answer?

Mr. BENEDICT. When a Senator or Representative came down and

ked for the appointment of a man, the Public Printer might ask him the man was a union man, and if he was not he would suggest that join the union; that he had better come here equipped with a card, it might be unpleasant for him. There would be a moral force——

Senator ELKINS. Why did he not ask if the Member or Senator longed to the union?

Mr. BENEDICT. That is another question.

Senator ELKINS. You say that a great many men were appointed at instance of Representatives and Senators. I understand that that s the rule down there.

Mr. BENEDICT. Yes, sir; under the spoils system.

Senator ELKINS. Before you had the civil service applied to the office, l you ever know of a Senator or Member having more than two or ee appointees in the office?

Mr. BENEDICT. Yes.

Senator ELKINS. How many more, I should like to know; more than ee?

Mr. BENEDICT. I think it is but fair to state that Mr. Palmer recently igned me from the Government Printing Office.

Senator ELKINS. That does not make any difference; he can not ign you from what you know.

Mr. BENEDICT. No; that is true.

Senator ELKINS. He can not take that away from you. You seem be an intelligent witness and to understand what you are talking out.

Mr. BENEDICT. I thank you, Senator.

Senator ELKINS. I wish to know how many men did any one Senator Representative have appointed in that office, according to the books—many as two or three?

Mr. BENEDICT. I believe that when Mr. Palmer was trying to hang to the office under the Democratic Administration——

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Mr. BENEDICT. He appointed as many as 75 men in the Printing fice for Congressman James D. Richardson.

Senator ELKINS. Seventy-five for one Congressman?

Mr. BENEDICT. I think he did.

Senator ELKINS. For James D. Richardson?

Mr. BENEDICT. Yes, sir. Some of the men were removed by Public inter Benedict.

Senator ELKINS. Who is James D. Richardson? He was chairman what committee?

Mr. BENEDICT. Chairman of the Committee on Printing of the House Representatives.

Senator ELKINS. He had 75 men appointed?

Mr. BENEDICT. I will not say that positively. He had a great many. ey were scattered all over the office—foremen, proof readers, etc., en under Republican Administration.

Senator ELKINS. Was anybody on the other side of the house, on the nate side, so fortunate?

Mr. BENEDICT. I think Mr. Gorman had a great many men in office that time.

Senator ELKINS. How is that.

Mr. BENEDICT. I think Mr. Gorman was able to get a great many n into the Government Printing Office during this critical period in . Palmer's administration.

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Mr. BENEDICT. I think Mr. Gorman was able to get a great many en into the Government Printing Office during this critical period in r. Palmer's administration.

Senator ELKINS. Senator Gorman got appointments from a Republican?

Mr. BENEDICT. Yes, sir.

Senator ELKINS. Senator Gorman got them from a Republican?

Mr. BENEDICT. Yes, sir; it seems so.

Senator ELKINS. How many did he get?

Mr. BENEDICT. Senator Gorman has always been credited down there with about two hundred.

Senator ELKINS. Two hundred?

Mr. BENEDICT. I think he is credited with having about that number.

Senator ELKINS. Where does he get those people—from Maryland or the District, or where?

Mr. BENEDICT. I think the Senator is back of a great many District people.

Senator ELKINS. Two hundred? I wish to know who else has any appointees there?

Mr. BENEDICT. Of course, Senator, I do not have access to the books.

Senator ELKINS. You did have, though?

Mr. BENEDICT. Not to any great extent. I have examined them.

Senator ELKINS. Give us the names of some of the other people. I never thought a Senator could get in more than one or two or three. I do not think I have anyone in, and I wish to find out.

Mr. BENEDICT. It is rather late in the day to begin.

Senator ELKINS. Give the names of others, besides Mr. Richardson and Mr. Gorman, either in the House or the Senate, who have such an enormous number of places.

Mr. BENEDICT. As to the number of people that Senator Gorman and Congressman Richardson have had at any time in the Government Printing Office, I do not want to be considered as being under oath as to the number. I could not state positively.

Senator ELKINS. It is something like that?

Mr. BENEDICT. A very large number, of course.

Senator ELKINS. Give us the names of some more Senators who are conspicuous in that way.

Mr. BENEDICT. I do not think my memory will serve me to any more just at this time.

Senator ELKINS. Is there any Republican who had any large number in at that time?

Mr. BENEDICT. The tide had set the other way at that time.

Senator ELKINS. It was not fair to give all the places to Democrats.

Mr. BENEDICT. Sir?

Senator ELKINS. It was not fair that the Democrats should have had the best show.

Mr. BENEDICT. I did not myself think when I came down there that it was. I was very much surprised at the condition of affairs.

Senater ELKINS. Under a Republican Printer.

Mr. BENEDICT. I was given charge of the Government Printing Office proof room, and I found at the time that it was fairly well filled with Democrats, most incompetent Democrats, too.

The CHAIRMAN. Is there anything else you desire to say?

Mr. BENEDICT. I should like to say a few words in regard to another point, as to which I prepared last night. It is in respect to the point raised here as to whether the law contemplated the inclusion of men and women who are now classed in the Government Printing Office as skilled laborers. I should like to say one or two words on that point.

First, the men and women down there who are thus classed are cer-

tainly much more skillful and belong to a much higher grade of labor than the mere laborers or workmen mentioned in the law. I think men should not be allowed around a printing office who can not read and write. They come constantly in contact with and are compelled to handle more or less printed matter, type forms, bundles that are labeled, and do many things which require greater skill than the mere laborer need possess. Second, the law reads:

> Nor shall * * * any person merely employed as a laborer or workman be required to be classified hereunder.

I therefore hold, laying special stress upon the word "required," that even if these men and women are not skilled (they are) they are properly and lawfully classified. The law reads "that they shall not be required to be classified." My inference from the reading is that the law presupposes opposition by the mere laborer or workman to being classified, and as a matter of fact, in my opinion, he could successfully resist being forced into the classified service. In other words, he may be lawfully classified in the event of nonresistance by him, although he may not be or shall not be required to be classified.

The CHAIRMAN. I should like to ask you one or two questions. Do you think a man who drives a wagon is a skilled laborer? Do you not think it is a misnomer to call him a skilled laborer?

Mr. BENEDICT. I would not say so. I am firmly of the opinion that men who are about printing offices handling printed matter and forms should be able to read and write.

The CHAIRMAN. Did you ever have any experience in driving horses?

Mr. BENEDICT. Yes, sir.

The CHAIRMAN. Do you not know that some of the best drivers we have are illiterate and have no education except what they have picked up? In other words, do you think a man who is a competent driver in every way, qualified to drive a horse, should be excluded because of the mere fact that he can not read and write?

Mr. BENEDICT. Yes, sir; from a printing office.

The CHAIRMAN. I see here "ladies in charge of stitching machines." They are included. Do you think they are skilled laborers?

Mr. BENEDICT. I do.

The CHAIRMAN. Do you think feeders are skilled laborers?

Mr. BENEDICT. Yes, sir; I do.

The CHAIRMAN. Do you not know it to be a fact that in nine cases out of ten when a man goes into the Printing Office through a civil service examination he has to be taught to feed the machines?

Mr. BENEDICT. My understanding of the civil-service rules is that they do not classify the applicant or the man who passes the examination, but that the position is classified.

The CHAIRMAN. I am not talking about that. Is it not the fact that after a man has answered the technical questions and comes in as a feeder, he has to be shown, by some man who understands it practically, how to operate the machine, how to feed it?

Mr. BENEDICT. He does, of course.

The CHAIRMAN. So it is a fact, then, that the examination, so far as the technical part of it is concerned, does not avail the man who feeds the machine. He has to be taught at last how to do the work?

Mr. BENEDICT. The Commission does not hold any technical examination for feeders and what are known as skilled helpers.

The CHAIRMAN. That is merely a question of construction what "a skilled laborer" means. I think that has done more to bring the execu-

GOVERNMENT PRINTING OFFICE.

TESTIMONY OF HAROLD BENEDICT.

HAROLD BENEDICT, being duly sworn, testified as follows:

The CHAIRMAN. Please state where you reside and in what business you are employed.

Mr. BENEDICT. I reside at 153 A street NE., Washington, D. C. That is my present residence. My home is in New York State. My business is that of a printer and proof reader.

The CHAIRMAN. How long have you been a printer, Mr. Benedict?

Mr. BENEDICT. I commenced my apprenticeship in 1878.

The CHAIRMAN. You can now proceed to make such a statement you desire to submit.

Mr. BENEDICT. I am entirely at the disposal of the committee.

The CHAIRMAN. I would suggest that Mr. Procter, who requested that you be sworn, ask you any questions he wishes to put.

Mr. PROCTER. You were one of the members of the civil service examining board in the Public Printing Office?

Mr. BENEDICT. I was.

Mr. PROCTER. How many members were there on the board?

Mr. BENEDICT. I do not recall the number of members. I should say there were 13 or 14.

Mr. PROCTER. They represented the different trades in the office?

Mr. BENEDICT. They did.

Mr. PROCTER. What was the character, as workmen, of the men who constituted the board; were they considered competent?

Mr. BENEDICT. Public Printer Benedict selected them because of their competency.

Mr. PROCTER. Is it not true that our chief examiner, Major Webster, also investigated the character and competency of those men in the office?

Mr. BENEDICT. Yes, sir; quite thoroughly, I believe; at least he raised a question on one of them.

Mr. PROCTER. Did the members of the examining board consult with the Civil Service Commission about the character of the examinations?

Mr. BENEDICT. Yes, sir; very freely. The full board met at the rooms of the Civil Service Commission on three or four occasions and very fully and carefully went over the question as to the law and as to the character of the examinations and what questions should be asked. Each man was allowed to express his opinion, and the consultation was very thorough.

Mr. PROCTER. From time to time were not changes in the method of examinations recommended by the board?

Mr. BENEDICT. Yes, sir.

Mr. PROCTER. My recollection is that some recommendations of changes made by the Civil Service Commission were opposed by members of the board, and that the Commission acceded to the opinion of the board.

Mr. BENEDICT. Very often; in a great many cases, I remember. So far as the printers' examination is concerned, the printers had their own way pretty generally.

Mr. PROCTER. Was it considered by the printers and the pressmen and the compositors that the examinations were of a practical character and well suited to bring out the abilities of the persons to be appointed?

of the civil-service law, the advantage is in favor of the civil-service law. Mr. Benedict, who immediately preceded me, stated that he believed they were 50 per cent better than the employees who had come in under the old system.

I should like to call the attention of the committee to the fact that Mr. Benedict, the recent Public Printer, stated in his report of last year to the Congress that the men who come in under the present system average just as well as those who came in under the old system. That was his testimony. He had nothing special to say in favor of it. Captain Brian stated before the committee last Saturday practically the same thing—that those who came in under the operation of the new system were just as good as those who came in under the old system. I wish to put the statements of the Public Printer and the foreman of printing in opposition to the statements of the late Public Printer's private secretary and Mr. Benedict.

Mr. Benedict also stated that Mr. Palmer had appointed, for a period of eighteen months, on an average 50 people a week. I should like to call attention to the fact that that would give a product of 3,900 people who had come into the Printing Office in eighteen months. That is preposterous. There never were as high as 3,900 people employed in the Government Printing Office, and while Mr. Palmer did appoint a great many Democrats at the end of his first term as Public Printer, he did not appoint any such number.

I should like to state, also, that I think it was a very good thing for Mr. Palmer to appoint a large number of men at that time, no matter what his motives were, because you will remember that those were Cleveland's hard times, and it was better for a large number of people to have four and five days' work a week than for a small number to have full day's work. I think, from that point of view, Mr. Palmer did a very commendable thing in appointing a large number of people at that time. They could not find employment elsewhere. It was very hard work in those times to find employment.

Mr. BENEDICT. At this time I should like, with the permission of the committee, to correct my statement as to the number of people appointed by Mr. Palmer.

The CHAIRMAN. You may do so.

Mr. BENEDICT. I should like to have the stenographer make it 50 a month instead of 50 a week.

Mr. KENNEDY. It is frequently said that the application of the civil-service law to the Government Printing Office is a good thing; that it places the workmen on the same level that they occupy in private establishments. That would be all right if it were true. When a printer comes into a private establishment the proprietor does not care whether or not he can work an example in arithmetic. He subjects him to no such examination. He is put there by the foreman, and he has to demonstrate practically whether or not he is competent.

The question of his politics does not enter into his retention of the place. It is a matter of merit. If he is competent it does not make any difference to the proprietor of the paper what his politics may be, his merit gives him protection. Under this system a man's merit does not give him protection, because the Public Printer and other officials of the Government can discharge anybody they want to at will, as the Civil Service Commissioners know. One of them stated that they have no authority to go behind an executive officer's statement that the man was discharged for cause. They might know that he was discharged on account of his politics or his religion; they might be rmoally satisfied that that was true, but they could not go behind the

statement that he was discharged for cause. The system gives a man no protection.

Now, Mr. Chairman, there is another matter to which I should like to call the attention of the committee, and I should like to have it institute an investigation along that line. Section 7 of the civil-service law says that no mere laborer or workman shall be required to be classified thereunder. I have gone through the records of the debate in Congress recently—the debate which took place at the time the bill passed the House of Representatives. The law was given just one-half hour's consideration in the House of Representatives. They were afraid that if it went back to the Senate it would fail. The debate was limited to one-half hour, and Mr. Herbert, of Alabama, who was afterwards Secretary of the Navy, occupied a large portion of the time. In his speech, replying to something Mr. Calkins, of Indiana, had said, he said:

He well knows that the bill does not take away, and does not pretend to take away, the power of removal. I would not vote for it if it did. I believe the Democratic party, if it comes into power, ought to make many removals, not only in the places not covered by this bill, but especially in the Departments at Washington and among the clerks.

Further on he said:

There are about 120,000 places under the Government. The bill covers only about 10,000 clerkships.

Then he said:

It will be seen that the bill is only for the lowest classes of clerkship.

I wish to call the attention of the committee to the fact that when the bill was under consideration—and those statements were not controverted—the framers contemplated putting only the clerkships under the classfied service, and section 7 of the law has not been amended since that time. Section 7 provides that no mere laborer or workman shall be required to be classified thereunder. If the committee care to have the definition of "workman" from Webster, Worcester, and the Century Dictionary, I will give them.

Senator ELKINS. It is not necessary. We can get those at any time.

The CHAIRMAN. No, I do not think it is necessary.

Mr. KENNEDY. I would suggest that you look up the definitions and see what Congress meant when it said that workmen should not be required to be classified.

I should like to suggest further that if the civil-service law is to remain in operation in the Printing Office the examination for printers ought to be entirely practical. I think that if it were there would perhaps be no objection to the law in the Government Printing Office. There is no sense in ascertaining a printer's scholastic attainments, because he can not be transferred from the Government Printing Office to other Departments under the rules of the civil-service law, and if he desires to be transferred he will have to take the other kind of an examination. Some of the very best printers in the country are men who, as poor boys, went into printing offices when they were 14 and 15 years old, and did not acquire the education that is necessary for them to pass these examinations. They were learning the trade at a time when the mind was most receptive, and when they could learn the best. They were devoting their time to learning the trade when they should have been at school.

Senator ELKINS. Let me interrupt you. We are here to get the facts

ɔt so much the reasons that may move a man to one conclusion ›ther. Is not that true, Mr. Chairman?

CHAIRMAN. Yes. It seems to me, however, that the distinction Mr. Kennedy draws is one the committee would like to know , whether it is possible for a man without a scholastic education ke a practical printer.

ator ELKINS. Suppose you answer that question.

CHAIRMAN. Yes, go ahead.

ator ELKINS. Confine yourself to that question.

KENNEDY. I think some of the very best compositors I have ı are men who I know could not have passed these examinations. :stance, the fastest hand compositor I ever knew was Mr. Arens- of Pittsburg, who went into a printing office when he was a ›oy and roustabout some time during the war. He had no educa- ›ut he was a splendid printer. There are quite a number of such I think those men should not be debarred from entering the ; service on that account. They are good workmen.

CHAIRMAN. Is there anything else you wish to say?

KENNEDY. I think not.

RICE. I should like to ask Mr. Kennedy a question. He said ome member of the Commission expressed the opinion, to put it ef, that removals for political reasons could be made. He is ar with the rules, and I do not see how any Commissioner could ɔxpressed such an opinion.

KENNEDY. Mr. Harlow stated to me last winter that if an execu- fficer discharged a Government employee and stated that it was use, the Commission had no authority to go back of that state- They might, he said, be ever so well satisfied in their minds hat was not the reason, but they could not go back of that reason.

RICE. I will say—and I think I express the opinion of the Com- ›n, which it has uniformly held since its organization—that the ıission has never held such an opinion, and that, on the contrary, it ıvestigated all cases where an allegation is made, with the offer of —not with the proof, but with the offer of proof—of political ʼals, and for this reason: The rule says:

> erson in the executive civil service shall dismiss, or cause to be dismissed, or ıny attempt to procure the dismissal of, or in any manner change the official r compensation of any other person therein because of his political or reli- ›pinions or affiliations.

ıt is a rule which every public officer takes an oath to obey, because ı the force of law when duly promulgated so far as appointments ›ncerned. I think Mr. Harlow must have been misunderstood, se in numerous instances he has taken up cases where the allega- ʼas made that the removal was for political reasons.

KENNEDY. That is the statement he made to me, that they had thority to go behind the statement of an executive officer. I 1 like to call attention to another fact, that in the fifteen months ling the placing of the Government Printing Office in the classified e, 910 printers alone were discharged from the Government Print- ffice. The Commissioner recites the fact here, that there were a many discharges prior to the application of the law to the Gov- ınt Printing Office, and then calls attention to the very small er that took place after the law was applied there.

ʼ, that is very much like saying peace reigns in Warsaw. There een 910 printers, most of them Republicans, put out of office in

the fifteen months before the law went into effect. So I should say the office was pretty well cleaned out of Republicans at the time, that there was not much reason for the Public Printer after the law was applied to discharge them.

Mr. PROCTER. Does not the paper from which you quote show that there was a steady stream of dismissals in 1888, 1889, 1890, 1891, 1892, 1893, 1894, and 1895, up to the application of the civil service rules?

Mr. KENNEDY. Yes, sir; but never so large as in the fifteen months before they got ready to put the office in the classified service.

Mr. PROCTER. Then, according to your statement, there were fewer people in office when it was classified than usual?

Mr. KENNEDY. I would not say than usual. Mr. Benedict made a great many appointments. However, perhaps there were fewer than usual.

Mr. PROCTER. Fewer were covered in then than if the office had been clasified at any previous time?

Mr. KENNEDY. I can not say.

Mr. PROCTER. The records show that.

Mr. KENNEDY. The regular increase is 8 or 10 per cent a year.

Mr. PROCTER. That increase would bring in people, regardless of politics, through the examination?

Mr. KENNEDY. I think people come in regardless of politics under the examinations. What I should like to impress upon the committee is the desirability of ascertaining, if possible, whether the Government Printing Office is lawfully in the classified service, and then further to make all examinations entirely practical if they have any influence in that direction.

The CHAIRMAN. Is there anything else you wish to say?

Mr. KENNEDY. No, sir.

POST-OFFICE DEPARTMENT.

FREE-DELIVERY DIVISION.

TESTIMONY OF SUPERINTENDENT AUGUST W. MACHEN.

AUGUST W. MACHEN, being duly sworn, testified as follows:

Mr. MACHEN. There appeared before your committee two weeks ago a former employee in my division of the Post-Office Department, who made certain charges against my superior officer at that time, who is not here, and myself, charging the illegal employment of certain men in the postal service, and charging ulterior purposes for the employment of those men, etc.

Before making a statement of the causes that led up to the employment of a secret service in the Post-Office Department, I want to submit to the committee a copy of the Congressional Record of March 11, 1896, and refer to page 3009.

The CHAIRMAN. What amount of matter is it that you want to put in?

Mr. MACHEN. I just want to refer to the record of this man Hill, who appeared here two weeks ago, which appears on page 3009 of the Congressional Record, in the proceedings of March 11, 1896.

The paper referred to is as follows:

"William Wallace Hill, late assistant superintendent of the free-delivery system, enlisted as a private in the United States Marine

ps at Philadelphia, Pa., on April 7, 1879, and was discharged at shington, D. C., on March 16, 1880.

He was appointed clerk in the Census Office at a salary of $50 per ıth on December 21, 1880, which position he resigned on March 15, ı. On March 15, 1881, he was appointed to the position of police- ı on the Metropolitan police force of Washington, D. C. On August 1881, he was tried for conduct unbecoming an officer of the police e and reprimanded by the major and superintendent. The miscon- t consisted in this: That Private Hill, a married man, over the ials 'V. A. R.,' sent a note to a young lady, stating that he is pressed with her charms,' and suggesting a promenade.

On September 14, 1881, he was tried for neglect of duty and viola- ı of the rules and regulations, found guilty, and fined $5. The vio- on consisted in absence from inspection of uniform clothing and ence from reserve duty.

On August 9, 1882, he was tried for gross neglect of duty, found lty of not patrolling his beat, and fined $5.

On January 3, 1883, he was tried for nonpayment of debt, and uired to pay same.

On March 21, 1883, he was tried for violation of the rules, found lty, and removed from the police force.

'On January 24, 1884, he enlisted at Washington, D. C., as a second- ss private in the United States Signal Corps, and was ordered to rt Myer, Va., for instructions. At the expiration of time allowed instruction he was examined and failed to pass, and on July 9, 34, he was recommended for discharge 'as unfitted by reason of trustworthiness and immoral habits to remain in the Signal Corps.'

"While at Fort Myer, Va., Hill was detected in pawning Govern- ınt property which had been stolen by other men and sharing in the oceeds.

"On August 5, 1884, James B. Lambie, a merchant of Washington, C., called at the Signal Office and complained that on August 3 his il had been stolen and that on August 4 this mail had been left at his re by Private W. W. Hill, who had tried at several banks to have a eck cashed which was inclosed in one of the stolen letters addressed Mr. Lambie, and that his (Lambie's) indorsement had been forged to e check. Hill was at once arrested by the military authorities at rt Myer, Va., and held in confinement on the charge of forgery. ıring the night of August 5, 1884, Hill contrived to make his escape m his guards, which he accomplished partly by deceiving them and rtly by force. Hill remained a deserter at large until January 22, 35, when he surrendered himself at Fort Myer, Va., the Chief Signal ficer having on January 9 promised his (Hill's) mother to recommend ıat he be dishonorably discharged without trial' if he would sur- ıder himself. He was discharged from the Signal Corps without ıracter on January 29, 1885.

'On August 20, 1890, Hill was appointed, through the Civil Service mmission, a clerk at $600 per annum in the city post-office of Wash- ton, D. C., which position he held until July 8, 1891, when he was nsferred to the Post-Office Department at a salary of $900. On July 1893, he was promoted to $1,000, and on August 16, 1893, was ap- nted assistant superintendent of the free-delivery service, from ich he was removed on December 7, 1895, by the Postmaster-General conspiring to injure certain officers and employees of the postal vice and false statements in relation to the same and improperly ing out information in regard to public records and business.

"On December 11, 1893, he was appointed special commissioner for the Court of Claims to investigate and report upon letter-carrier overtime claims, and shortly afterwards he was appointed to the position of special United States attorney by the Attorney-General.

"That Hill has often perjured himself will be seen by an inspection of the public records. For example: In his application papers filed with the Civil Service Commission on October 16, 1886, he said, under oath, that his occupation during the year 1884 was "clerk in National Republican office" of this city, while the records of the Signal Office show that from January to August 5 of that year he was at Fort Meyer, Va., and the remainder of that year he was in hiding as a deserter from the Signal Service, and that during this latter period he was advertised by the War Department as a deserter in the same National Republican newspaper, where he claims he was employed as a clerk.

"He also swears in said application that during the years 1882–83 he was on the Metropolitan police force, but had never been in the military or naval service, except in the Marine Corps during the years 1870–1880, and that he had voluntarily resigned all the positions he had held from 1881 to 1886, and had never been removed or discharged from any of them, while the records of the Signal Office show that he was in that service during the year 1884 and was discharged for cause. Also, the records of the Metropolitan police force show that he was discharged from the service for cause.

"He also swears in said application that his bona fide legal residence is in Washington, D. C., and that he was born July 7, 1858, at Okolona, Miss., while in another application filed with the Civil Service Commission on May 22, 1891, he swears that his bona fide legal residence is the State of Mississippi and has been from his birth.

"In his application for enlistment in the Marine Corps on April 17, 1879, he gave his age as 22 years and the place of his birth Urbana, Ohio, at which time he was only 20 years 9 months and 10 days of age, if his statements to the Civil Service Commission are true.

"In his application for the position of policeman on March 15, 1881, he gave his age as 26 and place of birth Urbana, Ohio. At this date he was only 21 years 7 months 11 days, if, as he swears, he was born on July 7, 1858.

"The records of the Pension Office show that as W. Wallace Hill he has been engaged in filing and prosecuting pension claims, and has received pay for same, since he came into the postal service, in direct violation of section 5498, United States Revised Statutes.

"About February, 1890, Hill made application for a civil-service examination for a position in the city post-office, upon which application and examination he was afterwards appointed to a place in said office on August 20, 1890. All applications for entrance to the civil service are numbered consecutively, and the numbers on either side of the Hill papers are found in their proper place, but the Hill papers are missing."

Mr. MACHEN. I also refer to the statement of Mr. Loud, who was chairman of that committee, who heard these same charges, and who submitted this record, had it inserted and made this statement:

"I want to say that the committee did hear these gentlemen. The matter was before the committee and was referred to the subcommittee. The subcommittee unanimously reported to the committee that they did not think the charges presented to the committee were worthy of consideration. The committee then unanimously adopted the report of the subcommittee."

That is on page 3011.

The CHAIRMAN. What position do you now occupy?

Mr. MACHEN. I am at present superintendent of the free-delivery system, with headquarters at Washington.

The CHAIRMAN. Now proceed and make your statement.

Mr. MACHEN. I will give my statement. My first entry in the postal service was at Toledo, Ohio, when I was appointed assistant postmaster, March, 1887, and I served until August, 1890. I was appointed assistant superintendent of the free-delivery system May 6, 1893, and promoted to the position I now hold on August 20, 1893.

I want to explain first to the committee the causes that led up to the employment of a confidential or secret service before going into the question of the legality of its employment.

When I assumed charge, or rather when General Jones took charge of the First Assistant's Bureau, in which my division is located, we found an immense accumulation of overtime claims on the part of letter carriers. The overtime claims had accumulated between 1888, when the eight-hour law was passed, and 1893, when I took charge of the division. Congress has already appropriated $3,000,000 to meet these claims. In April, 1893, not 1 cent of these appeared of record. There was not one scratch in the Post-Office Department to show that the carriers had made one minute of overtime. The report showed uniformly eight hours. Postmaster-General Bissell then issued an order against the making of overtime.

I will state that in 1889 the appropriation for the Post-Office Department was specially increased 28 per cent, or $1,500,000, to meet the requirement of the eight-hour law, but there was no appreciable decrease in overtime, judging from the judgments that the Court of Claims have rendered. We then made an investigation to find out whether this overtime was still accumulating. We found by a test that overtime was then being made at the rate of 70,000 hours a month, or at the rate of about $350,000 a year, and was being covered up.

Senator ELKINS. The overtime was made at that rate and covered up?

Mr. MACHEN. Yes, sir; the carriers were recording eight hours, although they would make nine and a half or ten.

Senator ELKINS. What would they cover it up for?

Mr. MACHEN. To deceive the Department and the postmasters, because——

Senator ELKINS. Was it against them?

Mr. MACHEN. No, sir; they were getting judgments afterwards. They would go to the Court of Claims.

Senator ELKINS. Did they sue in the Court of Claims to recover?

Mr. MACHEN. Yes, sir; and they have already got paid $3,000,000 by acts of Congress to meet these judgments for overtime made between 1888 and 1893.

Senator ELKINS. Let me get that right. They made this overtime and covered it up so as to certify it afterwards?

Mr. MACHEN. And base claims on it. Now, I just want to read from the report of 1895–96, in which I touch on this very question. After this stringent order had been issued by Postmaster-General Bissell, April 4, 1893, we found that they were going right along and concealing the fact that overtime was being made, and that was brought out by the Commissioners of the Court of Claims, who were sent out to investigate these overtime claims when they would report. I read from the report of the First Assistant Postmaster-General for the fiscal year ending June 30, 1896, page 66:

"The custom among postmasters of evading the provisions of the law seemed to be so firmly established that even after this order had been issued a disposition was discovered to require letter carriers to record eight hours daily for any and all service performed, regardless of the correct time. This practice was disclosed by investigations which I instituted, and in which the Department was assisted by the Department of Justice. The commissioners who were detailed to investigate overtime claims reported that no reliance could be placed upon the letter carriers' trip reports and official time records, because they did not show the facts; that the Government could build no defense on them, and that the carriers, by their oral testimony and that of others, could impeach the very records made by their own hands and prove their claims for overtime in spite of the official records."

Senator ELKINS. Did the Court of Claims allow them to produce no record?

Mr. MACHEN. They impeached their own record on the ground that the postmasters made them do it. In some cases the postmasters did require them to record eight hours. In other cases they did not.

Senator ELKINS. Proceed; I did not want to interrupt you.

Mr. MACHEN. He issued another order, August 24, 1894, threatening to remove any carrier who falsified his trip reports. We found that they would come to the office forty-five minutes before schedule time, for instance, come at a quarter past 6 and record as coming at 7. They would finish at 4 and record as having finished at half past 3.

Well, even after that order was issued we found evidence of the carriers covering up, either through misunderstanding or purposely, the fact of overtime, in many instances by the direct orders of the postmaster. It was only the other day that I had a postmaster at a small office say, "These rules are for the large offices; they do not apply to us at all." So it was partially through misunderstanding and partially through purpose.

That was followed January 1, 1895, with an order which was criticized by a great many people because they claimed it was severe upon the carriers. We issued an order prohibiting letter carriers from coming into the office before schedule time, made them go out of the office during the swings or intervals between trips, and to leave the office when their time was up. In other words, we tried to make it a physical impossibility for letter carriers to make overtime, or if they did make overtime to make them show it on the trip reports. That was January 1, 1895.

We sent out also inquiries about the recording of time and the gathering of other data which was not on file at the office and the lack of which prevented the Department from making an intelligent disbursement of its carriers or distribution of the force through the country. For instance, we had nothing on file to show what a town was entitled to, except its population and the cost of the service. We started to find out what special conditions there were in the town to affect its requirements, the topography, the class of interests, the density of population, extent of territory, etc. We tried to do this by correspondence. We failed. We could not bring it about. It was then determined by the Department to send out confidential agents to examine every office quietly, to get this information and ascertain at the same time the conduct of the letter carriers while they were performing their duty and to report those who loitered or who violated the postal laws and regulations in other ways.

These men were sent out. First they reported to the postmasters,

and they were known as mechanics. The first record I find of the employment of men as mechanics in the postal service to trail letter carriers or to watch letter carriers on the street, was March 17, 1890. Mr. Clarkson was First Assistant Postmaster-General, and I offer a letter written to the postmaster at Washington, authorizing him "to employ a person for the purpose of repairing, putting up, and locating letter boxes, and to perform such other service connected with the free-delivery system as is not contrary to law, to commence service on the 20th instant, at a compensation of $75 per month, or at the rate of $900 per annum."

This man, of course, had not enough to do. There were of course not enough letter boxes to keep a man busy, and he was used in between times to trail letter carriers, or to investigate complaints from citizens about the misdelivery of mail, etc.

When I came into the service there were 12 men employed in the different large offices, New York, Chicago, Philadelphia, Washington, and, I think, Baltimore. We discontinued all of these men except two on July 1, 1893, because we had a deficient appropriation. We had a deficiency on the start of $68,000. I cut off every expenditure that I could possibly get along without, and I cut out all of these men except one in New York and one in Chicago whose time was taken up entirely with looking after and repairing letter boxes, etc.

Now, in 1894, in September, we put back these mechanics at the large offices, and on January 1, 1895, we had 15 of these men who were reporting to the postmasters.

This investigation could not be made, I will say, by the regular post-office inspectors, because we had not enough of regular inspectors to do that work. We have only about 100 in the country, and their time is taken up with depredation work. To get a report now on the condition of the service in the free-delivery offices usually takes from thirty to sixty days, and it was important to do this work up quick, within a year at least.

Then the question came up in the Department about employing men as mechanics and detailing them to work which is entirely different from what you would suppose they were employed to do; and in the spring of 1895 the designation of mechanic was changed to secret agent, that name more properly conveying the nature of the men's work. The secret agents received full instructions as to their duties, receiving special warning not to interfere with or entrap letter carriers for the purpose of making adverse reports. They received route cards showing the route of every carrier in the country, a copy of the schedule under which they worked, and other blanks necessary for the proper conduct of the work. I have the blanks here, which I will submit to the committee [exhibiting].

At first the agents forwarded their reports to Washington under cover of a stamped envelope. It was soon found that the carriers throughout the country were able to locate the agents by the postmarks of the envelopes in which the agents inclosed correspondence with the Department. It was then decided to use the express companies, and agents were instructed to forward their reports by express, doing so twice a week.

"Agents are paid through offices designated as headquarters at the rate of $5 a day (except one, who received $8 per day and acts as secret agent in charge")——

I am now reading from the report I made to the Post-Office Committee of the House a year and four months ago——

"And actual expenses, for which they are required to submit proper

vouchers. Postmasters transmit the salaries and expense accounts of the agents to the Department by express."

We used the express instead of the registered mail for this reason, if any money was lost by fire, flood, or theft there was no way of recovering it through the registered mail. Of course there was through the express company. So we used the express.

"This was done to avoid the annoyance and trouble caused by the failure of agents to identify themselves for the purpose of getting drafts cashed and also to cover up their whereabouts and identity."

At the time that I reported to the Post-Office Committee I had 51 of these men, 10 Republicans and 41 Democrats. There was no politics whatever in the result of their work.

The question as to the employment of these men was raised before they were employed. The matter was referred to the Department of Justice, and it was ruled that the appropriation from which they were paid being in a lump sum for the free-delivery service, the Postmaster-General could employ men as he saw fit for the benefit of the free-delivery service and pay them out of this fund.

Afterwards, when some question was raised about the payment of the expenses of these men, the matter was appealed from the Auditor of the Post-Office Department to the Comptroller of the Treasury, who ruled that the Postmaster-General had the right to employ these men and to pay them such salary as he saw fit and such actual expenses as he saw fit.

Last Saturday the Auditor for the Post-Office Department made the statement that he was prompted to appeal or to turn down certain accounts because they exceeded $4 a day, and inferred that the expenses of these men exceeded $4 a day. There were two or three instances—in the case of the man in charge and one other agent, who usually had charge of the gang of men who worked the large cities, and one other, who made a long journey through Texas and California—where the expenses ran above $4, but there were only three cases of that. The expenses per day for 57 men for the year from July 1, 1895, to July 1, 1896, averaged $3.23. That included railroad fare. These men carried no post-office inspectors' commission. The regular post-office inspectors get $4 a day, and they are not required to submit vouchers, and they have their railroad fare paid. So that shows that the expenses of these men ran very reasonably.

The expenses of W. M. Bellmann, who was in charge of the service, were stated here at $17 a day by this man Hill. Mr. Bellmann's expenses for the year averaged $5.39 a day. This expense account included paying all the expressage on the reports sent in by the agents, all the telegrams (which are always sent by the agents "collect"), and all the telegrams sent out by him, which he had to pay as being in charge of this service.

Now, Mr. Hill made the statement that these men were employed for political purposes. He cited Philadelphia, where he said 89 men were appointed and shortly afterwards 100 reduced. These men went to Philadelphia in the usual order.

First, I will state that October 1, 1894, the postmaster at Philadelphia, at his request, was authorized to appoint 83 additional carriers. At that time the Department usually followed the suggestion of the postmaster without question. It had no data with which to meet the arguments or claims of the postmaster. As I say in the report of the First Assistant Postmaster-General:

"It had been the custom to base an allowance of additional carriers

almost entirely on the arguments or claims submitted by the postmaster making application for an increase of force; and, with the very meager data at hand relative to the actual condition and needs of the service, it was difficult for the Department to deny his request unless it did so arbitrarily."

So when this application was received in October, 1894, Mr. Carr, the postmaster, was authorized to nominate 83 additional carriers, who were selected from the substitute roll, most of whom were selected from the eligible register under the administration of his predecessor, Mr. Field.

That was in October, 1894. In July, 1895, we sent a force of men there to investigate the service and to take the time of every letter carrier from the time he left the office to the time he returned; and, after they reported to the office, the amount of undertime which we found the Government was losing plus the amount of time that was unnecessarily spent in the office by the letter carriers equaled the salary of 200 men.

The matter was thoroughly considered at the Department, and after I myself, at the request of the First Assistant Postmaster-General, made a close investigation to verify the reports of the agents, I recommended that the Department could conservatively reduce the force in Philadelphia 100 men. The order was carried into effect. The service is being conducted to-day in Philadelphia with 100 men less than it was four years ago, and with the net saving, I estimate, of about $65,000 a year, because I put on some helpers for the heavy morning work.

At that time the postmaster was instructed to reduce to the substitute roll the men whom he deemed least efficient. It was the policy of the Department in making a reduction of the force to leave the selection of the men to the postmaster, unless it was charged and could be shown that in any special reduction the postmaster was prompted, or that in selecting certain men he was prompted, by political or other motives. At the time this reduction was made there were no complaints to me except from the men who claimed to be Democrats. Judging from what I heard in Philadelphia, fully half or more of the men reduced were Democrats. To-day they all sign a statement that they are Republicans.

When the report of the investigation as to the personnel of the force was made at Philadelphia, 45 men of the 787 were asked to show cause why they should not be removed, and I want to impress upon the committee the fact that no man was removed until after he had a copy of the charges made against him and ample opportunity to submit a defense to the Department in accordance with a rule made by Postmaster-General Bissell, June 28, 1894. I went over to Philadelphia myself and gave every one of these men a personal hearing. Of the 45 men I exonerated—not exactly exonerated, but modified from removal to suspension—about 24, and I ordered the removal of 21. Of the 21 removed 16 were Democrats, and at that time the Democratic committee and other Democratic officers in Philadelphia were very indignant because it happened that more Democrats were removed than Republicans. As I said before, there was no politics whatever in it. I would not allow it to be considered. I want to submit a statement that was made.

The CHAIRMAN. What is the length of the statement? We can not put too much in the record.

Mr. MACHEN. That is all it is [exhibiting].

The CHAIRMAN. All right.

Mr. MACHEN. I am giving you also what went before the Post-Office Committee a year and a half ago. At that time we had examined 25 or 30 of the largest offices. To fortify myself in the statement that there was no politics in these investigations, I wrote to each postmaster and asked him to submit to the Department, if he could, the politics of the men affected in the different offices. I got the statement, and it showed in Chicago, Ill., 113 Democrats, and 60 Republicans; I can go through the list.

The CHAIRMAN. Just hand the statement in.

Mr. MACHEN. Very well.

The statement referred to is as follows:

Information received from unofficial sources in relation to the politics of the carriers affected at the several large offices by the work of the secret agents of the free-delivery service.

City.	Politics.	No. of carriers.	Remarks.
Chicago, Ill	Democrats	113	
	Republicans	60	
Philadelphia, Pa	Democrats	97	
	Republicans	43	
Boston, Mass	Democrats	16	
	Republicans	14	
Buffalo, N. Y	Democrats	12	
	Republicans	20	
	Unknown	2	
St. Louis, Mo	Democrats	15	
	Republicans	8	
	Unknown	1	
Cleveland, Ohio	Democrats	14	
	Republicans	18	
Milwaukee, Wis	Democrats	9	
	Republicans	6	
	Populist	1	
	Unknown	2	
Louisville, Ky	Democrats	7	
	Republicans	9	
Indianapolis, Ind	Democrats	9	
	Republicans	15	
Rochester, N. Y	Democrats	3	
	Republicans	11	
Toledo, Ohio	Democrats	9	
	Republicans	6	
Columbus, Ohio	Democrats	12	
	Republicans	14	
Dayton, Ohio	Republicans	5	Force consists of 36 Republicans and 4 Democrats.
Total	Democrats	316	
	Republicans	229	
	Populist	1	
	Unknown	3	

Mr. MACHEN. The total shows that up to that time there were affected in every way by suspensions and removals, 316 Democrats, 229 Republicahs, 1 Populist, and 3 unknown.

Mr. Hill also made a statement that in April, 1894, I sent him with a number of secret agents to New York to do political work. That is absolutely false. Mr. Hill at that time was Commissioner of the Court of Claims and was reporting to the Department of Justice. He came to my office and said that he had been working in New York, investigating overtime claims, and that he had been reliably informed that the carriers of New York of a certain district were going to man the polls for a certain Tammany candidate—I forget the district, and I forget the name of the man—but that they were going to man the polls and peddle tickets, and he said "this ought not to be permitted." He said, "You have four or five men in New York. Can they not report

to me?" He said, "I will look it up and run it down." I said, "All right," and I telegraphed to these men to report to Mr. Hill. I was told afterwards by the men themselves that they did nothing, but Mr. Hill was drunk all the time. I have learned since that he was drunk all the time and evidently having a good time upon somebody else's money.

The CHAIRMAN. Was that while he was acting as the agent of the Government?

Mr. MACHEN. Yes, sir; this has all come to our attention since. Mr. Hill made this statement before the Post-Office Committee of the House, and I refer to Mr. Loud as my authority. He was asked, "Who sent you or ordered you to do this work? Did Mr. Machen?" He said, "No." "Did Mr. Jones?" He said, "No." "Well," Mr. Loud said, "Who did?" "Well," he said, "I refuse to divulge his name." "Is he connected with the Post-Office Department?" Mr. Hill said, "No." Now, that is the story about his doing political work in New York.

The CHAIRMAN. I see that he said in his evidence here before the committee:

"I happen to know from personal observation that in the Congressional campaign in New York City, in the fall of 1894, six of these men were detailed—simply detailed—to do campaign work, in seeking to influence the vote of the carriers there, in the Fourteenth Congressional district."

Is that what you refer to?

Mr. MACHEN. That is what I refer to, sir. It is absolutely false. The way I tell you is the way it occurred. As he said before the Post-Office Committee at that time, when pressed down to it by the chairman, neither Mr. Jones nor I had said anything to him or ordered him to do political work in New York, and he said it was somebody in another Department, presumably in the Department of Justice.

Now, I just want to submit a copy of a letter of instructions that these agents got when they were appointed. I suppose you do not want to have the time taken up to have it read, Mr. Chairman?

The CHAIRMAN. No, sir; just hand it to the stenographer.

Mr. MACHEN. It gives explicit instructions as to what they should do.

The letter referred to is as follows:

MAY 10, 1895.

Mr. I. N. WAKEFIELD, *Lafayette, Tenn.:*

SIR: On the recommendation of Hon. George A. Howard, Sixth Auditor of the Treasury, you have been appointed secret agent for the free-delivery service, with headquarters at Chattanooga, Tenn. You will be paid through that office, at the rate of $4 per day for every day in the year (excepting Sundays), commencing May 15, 1895.

You will be acting in the capacity of a secret agent, and, therefore, must be careful to conceal your identity. When testing a carrier's route you should act in such a way as not to attract his attention or to arouse suspicion in his mind.

You will report to this office daily any irregularities you discover on the part of letter carriers, inclosing report in plain stamped envelope.

Under separate cover I send you copy of the Postal Laws and Regulations, and call your attention especially to sections 609 and 619. You will take up one carrier at a time, note the time when he leaves the office and returns to it for each trip. In reporting loitering always specify the time and place. In cases of intoxication always state whether the carrier was on duty, off duty in uniform, or off duty in citizen's dress.

To test the collection service proceed as follows: After the last collection of the day place test letters in the street letter boxes, directed to the address of the secret agent, or any other address that may be conveniently used without attracting the attention of the employees of the post-office. An accurate memorandum should be made of the time of depositing each letter, the location of the box in which it was deposited, and the time of its delivery. The test letter that fails to reach its destination on the proper delivery should be forwarded with daily report. On the

envelope should be noted the time of deposit, location of box, and number of carrier who failed to collect it at the proper time.

I also send you a supply of blanks for use in making reports. A number of these are intended for daily use, while those on which questions are asked are designed for final or general report. I also send you a supply of stamped envelopes; the large ones for use in mailing daily reports to this office and the small ones for testing the collection service.

You will report to the postmaster at Chattanooga for the purpose of identifying yourself, and await further instructions from this office.

Very respectfully,

AUGUST W. MACHEN,
Superintendent Free Delivery System.

From time to time you will be detailed to investigate the free-delivery service at other post-offices. When so detailed, your actual expenses will also be paid. In such cases you will take receipts for expenditures wherever possible. You will make out your expense account in duplicate on blanks (a supply of which has this day been sent you), swear to them before a notary public, attach to the original receipts for railroad and sleeping-car fare, hotel bill, postal supplies, etc., and forward to this office for approval. Your attention is especially directed to the importance of obtaining receipts wherever possible.

Mr. MACHEN. I also submit a letter of instructions dated May 14, 1895, in which I say: "Agents must not make themselves known to postmasters or others connected with the service unless authorized to do so."

The CHAIRMAN. Just submit anything that directly bears on the question as to your authority to act. Extraneous matter we do not want to put in the record.

The letter referred to is as follows:

POST-OFFICE DEPARTMENT,
OFFICE OF THE FIRST ASSISTANT POSTMASTER-GENERAL,
Washington, D. C., May 14, 1895.

SIR: I desire to call your particular attention to the following instructions to secret agents:

Agents should proceed at once to place of assignment immediately upon receipt of letter or telegram of instructions.

Under no circumstances will agents be permitted to leave their assignment without authority from the Department.

Daily reports must be made to this Department on blanks furnished for the purpose.

Particular care should be exercised to give full and complete details of any infraction by carriers of the postal laws and regulations.

Expense accounts must be made out and sworn to in duplicate upon the blanks furnished, and both forwarded to this Department for approval. Vouchers must be furnished for all expenses except street-car fare and 'bus hire.

As far as possible, in making tests of the collections service, agents should avoid addressing letters to themselves.

Agents must not make themselves known to postmasters or others connected with the service unless authorized to do so. They should avoid talking with each other about this business in public places. Address all communications and reports to the First Assistant Postmaster-General, inclosing same in plain stamped envelopes, addressed to I. S. Leibhardt, Washington, D. C. The carriers' route cards forwarded to agents must, in all cases, be returned to this office as soon as investigation is completed.

Where two agents are working together, each must sign the daily reports.

Wherever possible, reports addressed to Washington should be mailed at depots or on trains.

Very respectfully,

J. H. JONES,
First Assistant Postmaster-General.

Mr. MACHEN. Now, I want to call the attention of the committee to the result of the investigations that were made during that year and in which we investigated 607 of the 627 free-delivery post-offices.

The CHAIRMAN. Is that embodied in some document that you have here?

Mr. MACHEN. Yes, sir.

The CHAIRMAN. I suggest that instead of incorporating it as a part of your evidence you simply refer to the document and the page on which it is to be found so that we can get it in that way.

Mr. MACHEN. Very well. I call the attention of the committee to page 68 of the Report of the First Assistant Postmaster-General for the fiscal year ending June 30, 1896. It shows that in 1893–94, the removals were 4 per cent of the number of men employed; in 1894–95 the removals were 3 per cent, and in 1895–96, the year that 81 men were removed by reason of these secret investigations, the removals were only 2.1 per cent. I just want to show that no man was removed except for cause and after he had had an ample opportunity of submitting his defense.

Now, Hill also referred to an improper employment and payment of a Mr. Lorenz. Mr. Lorenz was also commissioner of the Court of Claims. He was designated as a secret agent in the Post-Office Department, and assigned as commissioner of the Court of Claims. Mr. Lorenz was first appointed in the spring of 1894 as a commissioner, receiving all pay from the Department of Justice. That went on until July 1, 1894, when he was discontinued because they were not ready to continue; the appropriation was exhausted. I told the Judge then that I would pay him his expenses to go on in my service, but that I could not determine as to his employment as a mechanic. At that time and until later on we were calling them mechanics. I said, if proper arrangements could be made, I would be willing to give him $3 a day if the Department of Justice gave him $5. Afterwards, in September, the Department of Justice employed him at $5 a day. The question was brought up between myself and the Assistant Attorney-General as to whether or not I could properly pay Judge Lorenz from my appropriation. He said, after talking with the Solicitor of the Treasury or the Comptroller, that that was entirely proper. That was determined on the 1st day of November, 1894.

The CHAIRMAN. That will be sufficient upon that point.

Mr. MACHEN. I want to explain one point. He practically charges me with stealing this money.

The CHAIRMAN. Oh, yes; all right. Proceed.

Mr. MACHEN. Judge Lorenz was out in Indiana, and he sent me a blank voucher in which he said: "When this is determined, and I hope it will be shortly, have the money sent to me. Fill it out and instruct the postmaster at New York," who was paying him, "to send it to my address." On the 3d day of November, or thereabouts—I forget the exact date—as I said, when this was determined by the legal department as being all right, I made out the voucher for the entire amount which I agreed to pay the Judge from the 1st of July, making it out one hundred and twenty-two days, and sent it to New York. Hill was in the cashier's office, and the cashier called his attention to an error that was made in the voucher, in that the Judge was entitled to one hundred and twenty-three days instead of one hundred and twenty-two, and the only irregular matter on that voucher is Mr. Hill's changing the figures from 366 to 369 after it had been certified to, without any authority whatever. The draft, which was submitted to the Post-Office and Post-Roads Committee a year and three months ago, went directly to Judge Lorenz, was paid to him on the identification of another party here in Washington, and the draft never touched my department or my hands. Mr. Lorenz, who is now employed in Pennsylvania, and can be brought here, will vouch or certify to his signature both on the

voucher and on the draft, and the gentleman who identified him at the bank will also do so.

The CHAIRMAN. You had nothing to do with the draft that passed?

Mr. MACHEN. No, sir; I never saw it. The voucher, as I said, was sent to me in blank, and when this question was determined I sent it to the postmaster at New York and told him to send it to the address which Judge Lorenz gave me, and I never saw the draft or money afterwards. Mr. Hill knew of that draft, and he made that story up out of whole cloth. His record shows that he is a thief, a forger, and a libertine—records taken from the War Department and other official records. Mr. Hill's presence in the service point out to me one weak feature in getting applicants for the civil service. Now, there is one other point which he charges——

Mr. PROCTER. Right there I should like to ask a question on this particular point.

The CHAIRMAN. Very well.

Mr. PROCTER. I would have asked it of Mr. Hill, but it did not come into my mind until after he left the stand. Mr. Hill stated when he was on the stand that an examination paper had been extracted from the records of the Civil Service Commission.

The CHAIRMAN. Yes; I remember that statement.

Mr. PROCTER. Was it not true that the Post-Office Department asked the Civil Service Commission for the examination papers of Mr. Hill, which he had taken when he entered the postal service?

Mr. MACHEN. Yes, sir.

Mr. PROCTER. And did not the Commission reply that those records had been kept in the post-office at Washington?

Mr. MACHEN. Yes, sir.

Mr. PROCTER. And that Mr. Hill had access to the room where they were kept?

Mr. MACHEN. Yes, sir; he and his friend.

Mr. PROCTER. He and his friend. And the desire of the post-office Department, as I now recollect it, was to show that Mr. Hill had made a false statement in his application?

Mr. MACHEN. Yes, sir.

Mr. PROCTER. And, therefore, he was the only man in the United States who could be interested in extracting that paper from the post-office?

Mr. MACHEN. Yes, sir.

Mr. PROCTER. That it was not extracted from the Civil Service Commission, but from the local post-office at Washington?

Mr. MACHEN. Yes, sir. In every statement, in every sworn document that Mr. Hill made in his entry of the service, whether in the Signal Corps, or the Army, or the police department here, he perjured himself both as to his place of birth and his age, and here is his record that I will read to Mr. Procter, and that will answer his question:

"About February, 1890, Hill made application for a civil-service examination for a position in the city post-office, upon which application and examination he was afterwards appointed to a place in said office on August 20, 1890. All applications for entrance to the civil service are numbered consecutively, and the numbers on either side of the Hill papers are found in their proper place, but the Hill papers are missing."

It was in the city post-office at Washington. I remember that very distinctly.

The CHAIRMAN. While you are on this point, do you know the reason *why he* was discharged?

. MACHEN. Yes, sir.
e CHAIRMAN. We would like to have it.
:. MACHEN. Mr. Hill was discharged for conspiracy. About that complaints were coming to the Department about Hill's conduct ıe investigation of overtime claims at various offices.
ıe CHAIRMAN. What was the nature of the conspiracy?
r. MACHEN. That is the point I am coming to. He abstracted docu- ts secretly from the Post-Office Department, pried open drawers, and thing or other, and examined wastebaskets, and was doing other ts of that kind, which is not uncommon with men of his make, and n called to account (I was in Chicago at the time) he went to the t Assistant Postmaster-General and charged me with disloyalty to First Assistant. When he was confronted by me before the First istant, he threw it off on another man, who was brought before him, he denied everything. We caught him in several lies before the First istant Postmaster-General, and finally we became suspicious of him ıround, and had a regular post-office inspector—two regular post- e inspectors—come to Washington and run down the trio who had ed together, namely, Hill, Sullivan, and Beight. Hill alleged to be emocrat, Sullivan was a Democract, and Beight was a Republican. er the Department satisfied itself through the reports of these ectors, both of whom were Republicans, of the underhanded work Mr. Hill, Postmaster-General Wilson promptly dismissed him from service.
he CHAIRMAN. Is that the time he mentions when he was being owed by spies?
Ir. MACHEN. Yes; he calls them spies. In other words, he was ing——
'he CHAIRMAN. What is the nature of the work he was doing?
Ir. MACHEN. That is what I am coming to. Mr. Hill charged, or re was a charge made at the time, that I had assessed the secret nts employed in the service $50 apiece. Mr. Hill abstracted from private desk of one of the clerks a letter, which he denied having, l which without explanation looks compromising. Then he went und to different persons and made all sorts of statements about neral Jones and myself, which we were advised of. He went to e friends of ours that he did not know were friends of ours, and l some trash and rot just similar to what he was telling here two ks ago, for instance, about that draft and about sending men over lo political work and having been instructed himself to do political k.
'ow, that brings me down to this alleged assessment. It was stated t I had assessed the agents. That is false. No man employed by was ever assessed or solicited to make a subscription. No letters e written by me or anyone for me, and no telegrams sent, as is alleged Mr. Hill, to the agents or to anyone representing the agents.
ı the fall of 1895, or in August or September I think, of 1895, I had umber of men employed at Chicago. Some of these men, quite a ıber of them were from Ohio. I am telling you now what was orted to me; I was not there; I do not know anything about the ct transactions. They got together and mutually agreed among nselves to donate or subscribe toward the campaign fund in Ohio— ard Mr. Campbell's campaign. I understand that 22 of these agents le subscriptions—22 of the 50 odd.
ıs I explained in my statement here before, in order to conduct the k throughout the country secretly, *agents* were required not to nunicate *with anybody, and even when they* wrote home they were

required to send their mail in stamped envelopes in the official express packages, and these letters were mailed at Washington so that the carriers would not know by the postmark where the men were operating.

Their money, as I explained, had to be paid them in currency. They were working at different places. They worked under different names. Of course, to pay them in draft or by registered letter or money order was impossible, because they could not be identified. It was the custom of these agents in paying their bills, some of their bills, or paying their wives or mothers, or returning borrowed money, to give orders on Mr. Bellmann to pay this or that or the other thing, and this money was taken out at Washington and paid as per order.

The CHAIRMAN. The money was disbursed by Mr. Bellmann?

Mr. MACHEN. Yes, sir. These express packages were opened by Mr. Bellmann, and Mr. Hill lays great stress on the fact that the packages were opened and money taken out. There is no question raised on that point at all. He had to do that to honor these orders.

About this time Bellmann received orders to pay for these fellows, on account of this campaign, sending certain orders amounting some to $50 apiece and some $25 apiece. Mr. Bellmann paid these orders, as he did all other orders.

Affidavits were made to the Civil Service Commission, and they finally held that Mr. Bellmann was directly connected with the receiving of money for campaign purposes, and quoted to the Postmaster-General the civil-service law and recommended his removal from the service. The Postmaster-General referred the matter, with the statement about as I am giving it to you, to the Attorney-General. The Attorney-General made a ruling to the effect that Mr. Bellmann in paying these orders was acting as the agent for these agents; that these men made the campaign subscriptions by the hands of Mr. Bellmann, through the hands of Mr. Bellmann, and not to Mr. Bellmann. The opinion of the Attorney-General is here, which I will submit if you wish it.

The CHAIRMAN. You can just state where we can find the opinion.

Mr. MACHEN. I suppose it is on the files of the Post-Office Department.

The CHAIRMAN. You can say that it is on the files. I do not care to encumber the record with it.

Mr. MACHEN. All right.

The CHAIRMAN. If I understand it, then, to get down to the point, you had nothing to do with that in one way or another?

Mr. MACHEN. No, sir; I made no assessment or collections, or anything.

The CHAIRMAN. Information has reached the committee that some of these men were employed under an assumed name; that W. A. Clark, at Richmond, Va., had assumed that name.

Mr. MACHEN. That is true.

The CHAIRMEN. What is his name?

Mr. MACHEN. His name is Machen. It was for the purpose of secrecy of investigation.

The CHAIRMAN. He was your brother?

Mr. MACHEN. Yes, sir.

The CHAIRMAN. And was employed under an assumed name?

Mr. MACHEN. Yes, sir.

The CHAIRMAN. And it was done for that purpose?

Mr. MACHEN. Yes, sir. I want to explain here that at the time we found the Auditor could accept vouchers under assumed names on a

certificate from the First Assistant Postmaster-General, Mr. Clark was dropped out of the service under that name.

The CHAIRMAN. And he went in under his true name?

Mr. MACHEN. No, sir; he did not go in at all. But it was done for the purpose of secrecy of investigation, as it could not be continued under the name of Machen. In fact, all the agents went under assumed names in different places.

The CHAIRMAN. And it was for the purpose of keeping them from disclosing their identity?

Mr. MACHEN. Yes, sir.

The CHAIRMAN. In order to make their service more effective?

Mr. MACHEN. Yes, sir.

The CHAIRMAN. Was such a man as Samuel Beight discharged?

Mr. MACHEN. Yes, sir.

The CHAIRMAN. Why was it that the recommendation for the reduction of Mr. Beight's salary was made?

Mr. MACHEN. I will tell you why Mr. Beight was reduced. Mr. Beight was receiving $1,600 a year in my office. He did work, puttered along on work, rather, that is now performed by another clerk in my office in thirty minutes every day. I opposed Mr. Beight's reduction. I held it up for two years at $1,600 on the ground that it only makes a clerk worse to reduce him. I would rather dismiss a man outright than reduce him. That was the only reduction in my office, and at the time Mr. Beight was reduced two other Republicans, or daughters of Republicans, were raised; and one of these ladies is now doing the work in thirty minutes that it took Mr. Beight seven hours every day to do.

The CHAIRMAN. It has been suggested to the committee by one or two parties (they will probably be before the committee later on, but I thought I would give you the advantage of it now so that you may answer it) that at the time parties were appointed they were required to go before Mr. Frank R. Raymond, general agent of the Union Central Life Insurance Company, and take out a policy with him.

Mr. MACHEN. That is absolutely false.

The CHAIRMAN. So that was not a condition precedent?

Mr. MACHEN. Not at all. Mr. Frank Raymond is an insurance agent here. A good many of the boys, especially the Ohio boys, when in Washington, make Raymond's office a sort of headquarters, but there was no such condition at all.

The CHAIRMAN. You had nothing to do with that?

Mr. MACHEN. Nothing whatever.

The CHAIRMAN. Did you have a commission or a nontransferable railroad pass signed by the Postmaster-General.

Mr. MACHEN. Yes, sir.

The CHAIRMAN. State the power conferred upon whoever is the possessor of one of these. Can he transfer it?

Mr. MACHEN. No, sir; he can not transfer it. I never transferred mine either. If that is charged, I will say, gentlemen, that Mr. Beight, who was a clerk, sat next to the desk of Mr. Bellmann, and he saw these envelopes opened and the money taken out, and he has built up a great bugaboo on that thing.

The CHAIRMAN. Beight did?

Mr. MACHEN. Yes. It was all done in the office, open and above board. There was nothing to conceal about it.

The CHAIRMAN. That is why I asked you on that point. I wanted to get it out, because it has been put in here and I wanted to go to the bottom of it.

Mr. MACHEN. Yes, sir.

The CHAIRMAN. Is there anything else you desire to state? I believe you explained about the draft and about the contributions and pretty much everything that I can think of.

Mr. MACHEN. I do not know everything that Hill said. I do not know anything, except what appeared in the papers. He is capable of saying anything. I spent four hours a year and three months ago in answering all those things to the Post-Office Committee of the House, and so did General Jones. Mr. Hill's record is a matter of public record. All I want to say is this, gentlemen: As far as the free-delivery service is concerned, the civil-service law has been strictly and rigidly enforced, not only in the appointment of letter carriers, but in the removals from the service, as I have read here, showing the percentage.

The CHAIRMAN. Have you any suggestions to make as to a modification of the law or anything that would be of practical benefit to the work of the Commission?

Mr. MACHEN. Yes; I have. I want to suggest some kind of a rule or form that will prevent the entrance into the service of just such men as Hill. Any man to-day who has been in the penitentiary, and who will perjure himself, can take a civil-service examination.

Mr. PROCTER. But, Mr. Machen, do not three other persons have to perjure themselves?

Mr. MACHEN. Yes; Hill got three to perjure themselves.

Mr. RICE. They do not have to perjure themselves.

Mr. MACHEN. They certify.

Mr. PROCTER. They certify that they believe his answers are true.

Mr. MACHEN. What I mean is this: I believe some steps ought to be taken—I do not know what to suggest, but some steps ought to be taken to prevent the entrance into the service of just such men.

Mr. PROCTER. Do you know that not long ago one of the Cabinet officers came very near appointing upon recommendation an ex-convict to one of the highest positions?

Mr. MACHEN. I suppose that is true; but I do not believe that a reputable man would recommend a man like Hill, for instance, for appointment if he knew his record.

The CHAIRMAN. Do you not think that any Senator who regarded his character at all would be likely to disclose any fact of that kind?

Mr. MACHEN. Certainly; a Senator, or any man, should look into a man's record before he recommended him.

Mr. RICE. Is he not as likely to be imposed upon as the Civil Service Commission? Does not the Civil Service Commission use precautions even in excess of those used by the ordinary employer of labor?

The CHAIRMAN. I do not see how this particular case could be met or remedied. It seems to me that if a man deliberately takes an oath and qualifies himself for the examination and places himself within the rule there is no way to get around it.

Mr. MACHEN. We have cases coming up almost every day—I have had within the last week—of men removed from the service; one for sending obscene matter through the mails. He was removed by the report of the inspector, and he got through, took an examination, was on the eligible list, and ready for appointment at the next certification.

Mr. PROCTER. Was he not removed from the eligible list as soon as the Commission found out that fact?

Mr. MACHEN. We have recommended it and I suppose it has been done.

The CHAIRMAN. You might as well attempt to prevent a man from telling a lie as to attempt to prevent such cases.

Mr. RICE. I think there is less chance for an ex-convict to get into the service in this way than in any other, because a Senator or Representative in recommending a man does not take an oath or answer a categorical question.

Mr. MACHEN. My observation of the application of the law to the free delivery office is this: In the larger offices it is all right; there is no trouble at all. In the smaller offices, that were classified July 1, 1893, and which, of course, were filled with a large percentage of one party, it was a very difficult matter to hold things down. We have done it, as is shown by the percentage of removals, but the very men who are protected by the law have no respect for it. The men who came in without examination, but are protected by the law, have no respect for it. They want promotions because they are Democrats, or they want promotions because they are Republicans. They connive together to get somebody reduced so as to get his place, because he is a Republican or a Democrat as the case may be. As soon as the service is evolved out of that condition, in the years to come, in ten or fifteen years, then you will have a perfect civil service in these classified offices.

Mr. PROCTER. The larger offices were classified prior to the smaller offices.

Mr. MACHEN. Yes; I say it is all right in those offices.

Mr. PROCTER. The system is all right where it has worked for a number of years?

Mr. MACHEN. Yes, sir; and after it has worked in all these offices for a number of years it will be all right. There was a disposition and there is a disposition on the part of men who were covered into the civil service without examination, or, in other words, who were appointed on account of their political qualifications, to be insubordinate. At the time these offices were put into the civil service they imagined that they were no longer responsible to the postmaster, that they were responsible to the Department at Washington or to the Civil Service Commission. It has taken just about two years of the hardest kind of work to drive that idea out of the minds of some people and some letter carriers, but I think we have got the discipline of the service up to the highest standard of efficiency that it has ever reached, and the class of men we are getting in now are good men; we hear little complaint about them, and if we could prevent the entrance into the service of some fellows that have bad records, it would be all right.

SUPERINTENDENTS OF CONSTRUCTION.

TESTIMONY OF JOHN H. HOWLETT.

JOHN H. HOWLETT, being first duly sworn, testified as follows:

The CHAIRMAN. Where do you reside?

Mr. HOWLETT. 1411 N street.

The CHAIRMAN. What is your business?

Mr. HOWLETT. Contractor and builder.

The CHAIRMAN. Proceed to make such a statement as you wish to submit.

Mr. HOWLETT. Some time ago—last summer—I noticed an advertisement in the paper of an examination that was to be held by the Civil

Service Commission for the place of superintendent of construction of public buildings. I thought I should like to take the examination, as I was not doing anything at the time. Business was dull with me. I went in and took it.

I wish to say that it was a very hot day, and I did not feel very well that day. I thought it was a very singular examination to make for superintendent of construction. Some of the questions were not in line——

The CHAIRMAN. What was the nature of the questions.

Mr. HOWLETT. Some of them were on matters of construction, some on letter writing, some on one thing and another. Most of them, to my mind, were not questions calculated to bring out the desired main object, which was to ascertain what a man knew about construction.

They did not advertise that they wanted a letter writer, but that they wanted a superintendent of construction. As I remember, the first question asked was: "Have you any rule in your pocket, or memorandum book, or have you any papers or anything else; if so, you will please to hand them up—give them up." I handed up all I had. I went to work. It was not long before a large plan was produced before me on which we were to make calculations as to the quantity of excavation, the quantity of brickwork, and the quantity of concrete in the foundation. The plan was very crooked; it had projections in and out and all about. Some were figured and some were not. I thought it was a design to mix a fellow up, to mystify him, to throw him overboard, and lose him if possible. But I went to work in the heat and one thing and another, and figured up the plan around, and multiplied and subtracted and did everything I could to find the distances around the projections; and I figured up my results. How near it came to the mark I do not know.

Ordinarily, in figuring up a plan where, in an architect's office, the figures are wanting, we take out our rule and measure it. But the rule was taken away from me. I had no power to do it. Yet I was supposed to figure up these dimensions.

Mr. PROCTER. Were not the dimensions given on the plan?

Mr. HOWLETT. No, sir; they were left out purposely, to mystify a person. You would go along and find 20 feet, 10 feet, and then a big place and no figuring. Then you would go along 10 feet, 20 feet, 7 feet, and a lot more left out. No man on earth could figure up a plan fixed as that was.

The CHAIRMAN. Did you request them to let you have your rule so as to measure it?

Mr. HOWLETT. Request them? The understanding was that you must not have a rule to start with.

The CHAIRMAN. They disarmed you to begin with?

Mr. HOWLETT. They disarmed you at once.

You know we have a certain way of doing this thing. We have a regular way to do things when we go to work in an architect's office, and it was a new thing to me. It simply knocked me beam-endwards, and I tried to do my best, and I figured it up; but I do not know what the result was.

But I remember one of the questions asked me as a practical man—and I thought it was peculiar—was how many tools would you work on a stone from the time it leaves the quarry until it is put in place. The question did not say whether it was a piece of granite, or soft stone, or whatever it might be. A practical man would want to know whether it was a piece of granite, whether it was soft stone, or this or that. There was no such information. We had to form our own inference.

) tell them as many tools as I could think of. Some fellows
ɜt on with two or three tools, some with twenty, according to
of man and the piece of stone it was. I have seen fellows
ammer and produce as good a face on a stone almost as you
:h a brush hammer.

ɛOCTER. Mr. Chairman, I will bring the whole examination
efore you next Saturday, because I have looked over them
ıfully. The examination was prepared, not by the Civil Serv-
nission, but in the Supervising Architect's Office, by experts
for that purpose.

IAIRMAN. Mr. Howlett, proceed.

)WLETT. I expected to be examined in matters which to my
more important than the fact of knowing how many tools went
e of stone. In the first place, your eyesight wants to be exam-
ɜther you are color blind, whether you can tell a level line or a
ıe or a square or any angle by your eye. There was no such
hat produced. I want to say this to show how nonsensical
: questions which were asked me.

ɜr thing is a man's ear. It wants to be known what kind of an
s. Frequently you want to know by the ring of stone whether
ıd, or to know by the ring of a brick whether it is sound. You
t to know the color of the brick. It requires the nicest faculty
's eye sometimes to tell the exact shade of a brick required in
or, as to the ear, the exact ring of a brick to tell whether it is
brick or not.

seen a totally deaf man, who could not hear a word to save
ap a brick with a hammer, and he could tell whether or not it
ıd. I never could tell how he did it, but he did. Those things
ot explain. The Civil Service Commission will fail to bring
every time. They do not know about it. They do not know
et out the facts.

IAIRMAN. What experience have you had as an architect?

)WLETT. I am not an architect; I am a builder. I can draw
ıwever.

IAIRMAN. As a builder, how long have you been engaged in
?

)WLETT. Over forty years.

HAIRMAN. State your experience; whether you have been
extensively as a builder.

)WLETT. I have built a number of buildings in Washington.
uilt probably ten or twenty schoolhouses, a number of engine
hurches, private buildings. I built the Sun Building on F
I built the Moses Building in eighty days. I have had lots of
ce. I can build you a hand rail around a stovepipe or give you
f any roof you desire, or the bevels of it, which requires the
ıicety than writing a letter. I did not pass the examination
probably, I did not dot my "i's" or cross my "t's."

ɛOCTER. Do you remember what weight was given to letter-
Was it not weighted only one out of the total examination?

OWLETT. I do not know, sir. I do not remember anything
I have the paper in my pocket which I received, and I found
ɾenty mistakes in the paper I received from the Civil-Service
ıion.

ɛOCTER. You were notified?

)WLETT. I know they do not cross their t's and dot their i's.

ɛOCTER. Every man is notified on blanks, and he can appeal
marks.

Mr. HOWLETT. I did not wish to take an appeal. I thought that was the end of it. The foolishness of the questions was enough for me. I did not want to go over it again.

Mr. PROCTER. Let me see the paper which you say you have in your pocket.

Mr. HOWLETT. I found mistakes in the papers——

Mr. PROCTER. I mean your rating.

Mr. HOWLETT. I was simply disgusted with the whole thing.

The CHAIRMAN. In what paper do you say there were mistakes? Were the mistakes in the rating?

Mr. HOWLETT. No, sir; mistakes in writing the paper.

Mr. WALES. Clerical mistakes.

Mr. RICE. In the correspondence.

Mr. HOWLETT. The fellow who wrote that was not any more of a scholar than I am.

Mr. PROCTER (after examining paper). Letter writing is counted 1, practical arithmetic and calculations 3, practical questions, material and construction, counted 6 points.

The CHAIRMAN. What was his grade? What did he get?

Mr. PROCTER. 58.98.

Mr. HOWLETT. If I had got 65 I would have passed under the soldier rule.

The CHAIRMAN. On the practical questions how did he pass?

Mr. PROCTER. Fifty-six. That was given 6 points. It would not have mattered what he got on letter writing—he might have got zero—if he had passed on practical questions, or material and construction. Then the 6, giving a weight of 6 out of 10, would have passed him very well.

I will say here, as to letter writing, that letters are always required, because the superintendents of construction are expected to write continuously to the Department, and the Department requests always that they be required to write a letter as a part of the examination.

Mr. HOWLETT. I will say for the benefit of the committee that I can write any letter that any other man in this room can, and I will make as few mistakes in it.

Mr. PROCTER. You stood very well on letter writing—75.

Mr. HOWLETT. According to this paper I passed lower on letter writing than any other question. It is only 1.

Mr. PROCTER. You passed higher.

Mr. HOWLETT. Do you count by the larger or smaller number?

Mr. PROCTER. This gentleman passed 75 in his letter writing, and it was weighted only 1 point. He passed 58 in practical arithmetic and calculation, and he passed 56 in practical questions, material and construction. So that he passed higher on letter writing than anything else.

Mr. HOWLETT. About which I know less than anything else. I have been in buildings all my life. That shows the fallacy of the whole business. I can give you the bevel of any roof from geometrical work. I can give you any stairway you want, and yet I can not pass on my own business. That shows the whole thing up. It is conclusive enough. I thought I was short on letter writing. I want to say that you will never get a superintendent of construction by the kind of questions asked.

Mr. PROCTER. I wish to say that we have. The Supervising Architect's Office say they have the best lot of superintendents of construction they have ever known to be connected with the office, who passed the same examination. They are very fine men all over the country.

Mr. HOWLETT. The United States Capitol was built without any uch proceedings. It will stand there probably as long as some of your uildings that were put up by college men which have gone up recently. he Monument was not built by men taken from the civil service either.

The CHAIRMAN. Your objection then, Captain, is that the questions hould be more practical, so as to test a man's capacity.

Mr. HOWLETT. Yes, sir.

The CHAIRMAN. Did they ask you among other things as to what xperience you had had in this business?

Mr. HOWLETT. Yes, sir; but not in the examination. I was asked) put it down in my application. There was no question of that kind.

Mr. PROCTER. It was a personal question.

Mr. HOWLETT. There was no question of that kind asked. I have letter from Mr. Mullet, after I got through the Sun Building, giving ccount of how splendidly the work was done, stating that there was o fault, no defect anywhere. I had my appointment at $6 a day, hich I received all the time I was there, and when I got through he ɔmplimented me on the splendid way I had built the building.

The CHAIRMAN. What building is that?

Mr. HOWLETT. The Sun Building, on F street. I built it from top) bottom.

Mr. PROCTER. Under the old method in which superintendents of ɔnstruction were appointed, I know instances where simple barkeepers ho had had no experience in construction——

Mr. HOWLETT. I never was a barkeeper, sir.

Mr. PROCTER. You misunderstood me. I say that under the old ıethod of appointing superintendents of construction all over the ɔuntry, barkeepers and politicians and men without any experience, uch as you have had, were appointed as superintendents of construc- on, and it was to get practical men who had a knowledge of con- truction that the examination was instituted.

Mr. HOWLETT. You will never get them in the way you are driving t it. From my experience, you will never get them. You are on the rrong track entirely. If you would put a board up there and ask a ıan to erect a perpendicular from nothing, and all that kind of thing, ou would probably find out what he knows about problems and eometry.

Mr. PROCTER. Were not questions asked you as to your eyesight ınd your hearing?

Mr. HOWLETT. No, sir.

Mr. PROCTER. Did you not answer personal questions to that effect, ınd certify to the fact?

Mr. HOWLETT. In the examination I stated that my eyesight was ıot so good as it formerly was.

Mr. PROCTER. There were questions in the personal questions to ɔring out that fact?

Mr. HOWLETT. Not that I am speaking about.

Mr. PROCTER. Excuse me. You are required to certify to that.

Mr. HOWLETT. Not as to the color of a brick.

Mr. PROCTER. Oh, no; but about your eyesight and hearing.

Mr. HOWLETT. There was no question asked me about the rift of a tone—how it should set in a building—the first thing a man wants to ınow.

The CHAIRMAN. What, in your judgment, should be the questions? should be much obliged to get your opinion on that point. We want ıformation on the subject.

Mr. HOWLETT. I think they should all be practical questions. Very

few practical questions were asked me. There were some. I remember one was, Can you tell how mortar ought to be mixed on a board? I told them my way of telling—the way I have seen 20, 30, or 50 bricklayers tell. That is to cut it with a trowel, and if it looks smooth when you cut it, with a glossy appearance, it would be an indication that the cement is mixed right. I have frequently gone down the board and ascertained it myself. If it looks glossy we know it is mixed right. If it looks rough and has a rough appearance we know it requires more cement.

Mr. PROCTER. That was a practical question?

Mr. HOWLETT. That was a practical question. I answered that question, but I do not know whether my answer suited the knowledge of the gentlemen who had asked it. It might have been widely different from what he thought. These are things only known to us. The Commission can not propound practical questions to catch us.

Mr. PROCTER. The questions were not prepared by the Civil Service Commission, but by experienced builders in the service of the Supervising Architect.

Mr. HOWLETT. Some of them never built a building—the one sitting there in the office. They can not tell whether a pile of mortar is mixed right or not, like a practical man who is working all around it all the time.

Mr. PROCTER. We did succeed in the examination in getting quite a number of experienced men—men who have built some of the largest buildings in the United States.

Mr. HOWLETT. I am glad you got them.

Mr. PROCTER. We got some.

Mr. HOWLETT. You did not fish me, somehow. I tried to answer your questions, but they did not appertain to building.

Mr. PROCTER. The man who passed first on the examination was a man who had been superintendent of construction under Shepley, Coolidge & Root, one of the largest architectural firms in the United States, and they certified to the fact that he was one of the most efficient superintendents of construction they had ever had in their work.

Mr. HOWLETT. You had four or five architects sitting around there who have erected buildings in the city, and most of them failed to pass, I found out.

Mr. PROCTER. I think not.

Mr. HOWLETT. I saw two or three of them. They told me they had not heard anything of it, and guessed that it did not amount to anything. They said the questions were so foolish.

I remember one question asked me was: "Draw a queen-post roof and a king-post roof truss and tell us where the tension is and where the compression is." Those are questions that are known by any good builder, but they are really questions that should be propounded not to a superintendent of construction, but to an engineer. They are more questions for an engineer than for a superintendent of construction. But the question was asked us, and we answered it. I have no doubt I answered correctly; I know I did. I know where the tension of beam is and I know where the compression of the rafter is and I know where the braces counteract, all of which I have no doubt I answered correctly from my standpoint, but whether it suited the gentlemen who were over me I can not tell.

Mr. RICE. Have you ever known any people who in the past have been in the employ of the Government as superintendents of construction?

Mr. HOWLETT. Oh, yes; lots of them.

Mr. RICE. Were they thoroughly competent men?

Mr. HOWLETT. Yes, indeed. I know men who were up here at the Capitol. I was well acquainted with them.

Mr. PROCTER. You say you were superintendent of construction under Mr. Mullett?

Mr. HOWLETT. I was, on the Sun Building. I first contracted to build the Moses Building under him. He was so well pleased with me that he asked me if I would not superintend the Sun Building at $6 a day. I told him I would think it over, and I finally took it, and when I got through he gave me a letter of commendation. I thought it was a good thing. I have it now in my pocket. I gave all of the molds and all the models and all the patterns for that building myself. I used to go up on Capitol Hill every day and superintend the cutting of the keystone, a stone that weighed 13 tons.

The CHAIRMAN. I wish to ask you a question. Do you think this branch of the Government service should be under the civil-service law, or do you think the Government would get as good men or better men by a different method of examination?

Mr. HOWLETT. I do, sir. I do not think it should be under civil-service law in the least. I think it is a humbug.

The CHAIRMAN. Your reason for thinking so is because good men like yourself, who can not answer those technical questions, are excluded from employment?

Mr. HOWLETT. That is my opinion, religiously expressed.

Mr. PROCTER. Have you ever in the past been a superintendent of construction in the employ of the United States Government?

Mr. HOWLETT. I have never received a cent of United States money in my life except when I was in the United States service.

Mr. PROCTER. So that when you had an opportunity to be appointed under the old political system you did not receive an appointment?

Mr. HOWLETT. I was too young.

Mr. PROCTER. Oh, no; you have been here a long time; these places were only put in the classified service within the last few months.

Mr. HOWLETT. I have always had my own business. I started in to be my own boss from 1863 up.

The CHAIRMAN. In speaking of the Government service you meant that you were a soldier?

Mr. HOWLETT. Yes, sir.

The CHAIRMAN. You were not employed in any Department?

Mr. HOWLETT. No, sir.

The CHAIRMAN. You never made application to be employed under the Government?

Mr. HOWLETT. No, sir; I always had plenty to do for myself.

The CHAIRMAN. Plenty of work?

Mr. HOWLETT. Yes, sir. I would rather be free, but now, as I am getting old, I thought I ought to have a chance with other men if I could get into such a place. I was advised by my friends to take the examination. I should not have come here before your committee, except that I was advised by my friends, after I showed them this paper, to go before Senator Pritchard and let him know something about the workings of the system.

The CHAIRMAN. We are glad to have you here and to hear your statement.

Mr. HOWLETT. That is all I have to say.

At 2 o'clock and 10 minutes p. m. the subcommittee adjourned until Saturday, May 29, 1897, at 10 o'clock a. m.

"Senator ELKINS. Was anybody on the other side of the house, on the Senate side, so fortunate?

"Mr. BENEDICT. I think Mr. Gorman had a great many men in office at that time.

"Senator ELKINS. How is that?

"Mr. BENEDICT. I think Mr. Gorman was able to get a great many men into the Government Printing Office during this critical period in Mr. Palmer's administration.

"Senator ELKINS. Senator Gorman got appointments from a Republican?

"Mr. BENEDICT. Yes, sir.

"Senator ELKINS. Senator Gorman got them from a Republican?

"Mr. BENEDICT. Yes, sir; it seems so.

"Senator ELKINS. How many did he get?

"Mr. BENEDICT. Senator Gorman has always been credited down there with about two hundred."

Now, Mr. Chairman, all I wish to say in reply to that is that it is untrue. I have been on the Printing Committee of the House of Representatives ten years, six years of that time as chairman of the committee, four years as the minority member of the committee. We have only three members of the committee in the House, and so I was the only Democrat on the committee when in the minority.

During that time, under Mr. Benedict's first administration, Mr. Palmer's entire first administration, and Mr. Benedict's second administration, I have had appointed in the Government Printing Office 18 men, all from my district, and no other person outside of my district—no man; I have had no women appointed from my district or State at all. Of this number, 13 are now in the Government Printing Office. That represents my entire Congressional career, the whole number, every one I ever had appointed in the Printing Office.

Mr. Benedict stated that some of them had been discharged by his uncle, the Public Printer. One was so discharged, but it was because he was a deaf-mute and could not make the average. It was not because he was a bad man at all; he was a deaf-mute and could not do what Mr. Benedict required. Three or four others have gone out, as you see, but they resigned. One of them was a newspaper editor and went home to take charge of his paper, and so on.

I do not want to be understood as saying that I have not recommended a large number of other persons for appointment in the Government Printing Office. Members of my own party in the House of Representatives and Republicans in the House, members of my own party in the Senate and Republican Senators, have appealed to me during my service on the committee to assist them in getting persons in the Government Printing Office, supposing, of course, that a man connected with the committee would probably have an opportunity to procure appointments. But I always required the Member or Senator or friend appealing to me to assist him to furnish the letter recommending the person whose appointment was sought, and I would simply indorse for the Member or Senator or other person applying to me, so that in no proper sense should that appointment be chargeable to me if it was made. I do not know whether the appointments were made or not; in some instances they were and in some they were not, but, of course, they were not chargeable to me, and they were not charged to me by the Public Printer.

The CHAIRMAN. There is no reason why they should have been charged to you.

Representative RICHARDSON. None in the world, sir, under any rule of proper construction or administration of the office.

I do not know that it is necessary for me to say any more, except to state that Mr. Thomas E. Benedict, the late Public Printer, seeing the statement of his nephew published, as he says, in the Star, wrote to me May 25, 1897, a letter from Winnisook Lodge, Slide Mountain, Ulster County, N. Y. This letter was written without any solicitation on my part. In fact, I have not talked to or communicated with Mr. Benedict since he retired from the Government Printing Office. But I will read the letter, so as to corroborate what I am saying and to show how untruthful the statement of his nephew was. I feel free to use this letter, because there was no injunction of secrecy upon it. This is the letter, of date May 25, 1897:

"MY DEAR SIR: I have just read in the Washington Star of the 22d the testimony given before a Senate committee regarding civil service in the Government Printing Office by my nephew, Harold Benedict. I do not know how it was that he appeared before the committee. I have no knowledge that you ever had 75 appointments in the Government Printing Office at the time he states. I think he is in error in his statement. I readily understand the circumstances requiring you often to request favors at the office on the part of others, but personally your requests upon me were very reasonable.

"Hoping this will find you well, with high regards, most truly yours,

"TH. E. BENEDICT."

Addressed to myself.

As I said, I did not communicate with Mr. Benedict, but he saw that statement in the Star, and seeing how unjust it was he wrote me the letter I have just read.

The CHAIRMAN. Mr. Harold Benedict, in his testimony, if I remember it correctly, intimated that Senators and Representatives in making recommendations for appointments in the Government Printing Office were very indifferent as to the class of men they recommended. Please state to the committee whether it is not a fact that you have always taken pains in recommending people to see that they were men of character and sufficiently qualified to perform the duties required of them.

Representative RICHARDSON. Those who came from my own district I certainly deemed qualified for the office, and I recommended no other kind. In respect to recommendations, or indorsements, as I considered them, for myself I could not make that inquiry, of course, but I always had the assurance of the Member or Senator for whom I indorsed that the party was deserving, honorable, and qualified. I always made that inquiry, and of course presumed that it was so or the Senator or Member would not ask me to join him in an indorsement.

I wish to add, Mr. Chairman, that when Mr. Benedict last came into the Government Printing Office as Public Printer he had made out a list of employees from all the States, at least from Tennessee, and in that list, if I am not mistaken, there were 73 names in the entire number from Tennessee, but that included every appointee from the State. My recollection is that eight or ten of them were chargeable to each of the Senators. Then the other Members, my colleagues, Republicans and Democrats, had a number charged to them. So the 70 odd who were there were chargeable to the entire delegation. Indeed, some of them had been there longer than any member of the delegation—over twenty years, I think. It may be possible that the idea of 70 being there from Tennessee got out in that way. I do not know as to that. There were about

that number in the Printing Office from the whole State of Tennessee, but, as I said, only 18 men were ever put there from my Congressional district, and no others were appointed that I was properly chargeable with.

I am not here to speak for Senator Gorman, but I have not any doubt that he indorsed a great many men, as I did, at the request of other persons. Any man would be called upon to do so who was on the Printing Committee. I have had only a little over one appointment for each year that I have been upon the Committee on Printing.

The CHAIRMAN. As Senator Chilton has just come in, I will state to him that we have been listening to a statement from Representative Richardson, in which he says that the statement made by Mr. Harold Benedict is wholly untrue, and that he has had only 18 appointees in all in the Government Printing Office, properly charged to him at least, and that there are 13 there now, as I understood him.

Representative RICHARDSON. Yes, sir; 13 now. There were 18 in all. Five of them dropped out, 1 of them was discharged, I think, and 4 went out by resignation.

The CHAIRMAN. Mr. Procter, if you desire to ask Mr. Richardson any questions, you are at liberty to do so.

Mr. PROCTER. Very well. How long have you been in Congress, Mr. Richardson?

Representative RICHARDSON. I am serving my seventh term.

Mr. PROCTER. How long have you been a member of the Printing Committee?

Representative RICHARDSON. Ten years—six years as chairman and four years as the minority member of the committee.

Mr. PROCTER. Then you have had a good deal to do with the public printing—I mean, so as to know about the efficiency of the office—have you not?

Representative RICHARDSON. Well, in a general way, I should say yes, sir. Not as to details so much, because the details of the office would not come under the Committee on Printing.

Mr. PROCTER. No; but I mean that, naturally, as chairman of the Printing Committee, you would look into the cost of the public printing and the efficiency of the work.

Representative RICHARDSON. I have endeavored to do so.

Mr. PROCTER. Could you give an opinion as to the efficiency of the Printing Office in the last two years as compared with its former efficiency?

Representative RICHARDSON. I do not know, Mr. Procter, that I would be competent to do so. I would, with some degree of reluctance, give an expression of opinion as to any detail in the management of the office. I would say, however, that in all the appointments in and about the office it appears to me to be in much better condition than it ever was at any time in its history. The office work, I think, is more regular, and it appears to me to be more orderly and more systematic. As to the efficiency of the corps of printers and employees, I do not know that I could express an opinion. I could not mention any particular instances evidencing an improvement.

Mr. PROCTER. No; I suppose not. Do you remember anything about the relative appropriations for printing?

Representative RICHARDSON. Do you mean the entire appropriations for the office?

Mr. PROCTER. The annual expenses for the office.

Representative RICHARDSON. Only in a general way. I would not undertake to speak of them without having memoranda before me. I remember in a general way that the appropriations for the Printing Office amount to something over $3,500,000, and have been ranging in that neighborhood, but it would not do for me to undertake to speak accurately without the data.

Mr. PROCTER. Have not the expenditures run up some years as high as $5,000,000?

Representative RICHARDSON. I want to qualify the statement I make. The whole printing would amount to that, but that would include the printing for the census and other matters, I think, not directly appropriated to the use of the Public Printer. I think that distinction would be made. I think the expenditure has gone as high as something like $5,000,000, including every part of the printing.

Senator CHILTON. I wish you would state, Mr. Richardson, briefly, the duties of the Printing Committee. What are its jurisdiction and duties?

Representative RICHARDSON. The rules of the two Houses require that every resolution—joint, concurrent, or simple resolution—which provides for the printing of any public document or Government publication, must be referred to the committee on the part of the House or Senate, as the case may be, and it is the duty of that committee to consider the resolution, and, before reporting it, first to obtain from the Public Printer an estimate of the cost of the printing of the document called for, and to submit a report upon it and include in the report the estimate furnished by the Public Printer. The Public Printer is required to furnish those estimates, and also each time to furnish a statement of the entire amount that he has estimated during the Congress—not only an estimate upon the particular subject-matter in the resolution, but also the whole amount he has estimated upon, in order that it may be seen and known by Congress whether he is exceeding the amount that has been appropriated for public printing in the general appropriation acts. That relates to the printing for Congress.

Then it is the duty of the Joint Committee on Printing to meet in general session as often as may be, and to pass upon the reports of the Public Printer; to fix the standard of paper and supplies for the Government Printing Office; to advertise for contractors to supply the different articles that are required, the paper, etc.; then to receive the bids for the annual supplies for the Printing Office; to pass in open committee upon those bids, and award the contracts to the lowest and best bidder for the Government.

Senator CHILTON. Those are substantially all the duties that you have to perform in connection with the Printing Office?

Representative RICHARDSON. Those are about all, sir. We are invited usually to go through the office and observe the general appearance and morale of the establishment as far as we can, and we almost always go there in our capacity as a committee and examine it. Then we are frequently there. My business has called me there very often, not with the full committee, but simply as a member of the committee. I have gone through the office in that way. That is about all, sir.

The CHAIRMAN. In speaking of the general improvement there, I understand that you do not have reference to the skill of the employees, but rather to the general management under the executive officers?

Representative RICHARDSON. That is what I directed my answer more particularly to, Mr. Chairman. As to the skill of the particular

employees, as I said, I would have to speak about that in a more qualified manner, because it has not been my duty to pass upon or to examine that point so much. I think there has been a general improvement in the office in every respect. That would be my testimony in the matter. I think it is improving all along. I think it is better than it was when Mr. Benedict took hold; I think it is better than it was six years ago; and I think it is improving all the time.

The CHAIRMAN. There has been a gradual improvement for a number of years?

Representative RICHARDSON. That is my judgment, sir. It has been improving all the time.

The CHAIRMAN. We are very glad to have had you with us, Mr. Richardson.

Representative RICHARDSON. Thank you, sir.

The CHAIRMAN. There is nothing else that you desire to state?

Representative RICHARDSON. No, sir; nothing else. I ought to say, Mr. Chairman, that while I do not know that it was necessary for me to make a statement in regard to this matter, it has been published in the prints so often that I have had an undue influence there and an excessive number of appointments made, that I felt now, when the statement has been put in a concrete form, I ought to make some answer to it. I do not know that it would be at all to my discredit if I had 75 appointees there; but not having them, I wanted to deny it.

The CHAIRMAN. You wanted to have the fact understood?

Representative RICHARDSON. Yes; and if I had them there I would be proud of them.

INTERIOR DEPARTMENT.

INDIAN SCHOOL SERVICE.

TESTIMONY OF CAPT. R. H. PRATT.

Capt. R. H. PRATT, being duly sworn, testified as follows:

The CHAIRMAN. Captain Pratt, where do you reside?

Captain PRATT. At Carlisle, Pa.

The CHAIRMAN. What is your occupation at present?

Captain PRATT. I am a captain in the United States Army, a captain of the Tenth Cavalry, and superintendent of the Indian school at Carlisle.

The CHAIRMAN. We shall be glad to hear any statement that you may have to make with reference to the operation of the civil-service law.

Captain PRATT. Since being here last Saturday I have written out something of a statement, realizing better than I did before what was probably desired. It is more to guide me in my testimony than intended to be offered in the form in which it has been prepared.

For several years I have been attending conventions where people of prominence were gathered to consider the condition of the Indians, often listening to extreme and laudatory statements in regard to the present practice of civil service in the Indian schools, and have met with sharp opposition and some abuse when attempting to give facts showing results contrary to those presented. A year ago I accordingly made up a statement showing the tenure of all employees in the Indian-

school service having salaries of $600 and over, intending to use it if opportunity again occurred. I made up these schedules in order to prove that the changes in the school service were excessive, and entirely contradicted the statements I was constantly hearing from civil-service reform advocates that more continuous and, therefore, experienced employee force was being secured.

The present regulations in the civil service were established over certain positions in the Indian schools in March, 1892, at the solicitation of the then Commissioner of Indian Affairs, who, being a well-equipped school man, had, in his three years' service, rearranged the Indian school employee force with a view to permanency under the protection of the civil-service law. I began the statement referred to with the Indian Office Report of 1892, showing who were in the service at the end of June of that year, and continued it through, year by year, to the end of June, 1895. The information was all taken from the annual reports made by the Department. Since summoned by your committee I have added the year 1896, covering four years in all, and herewith place before you the result. This is quite a document, but in no other way could I present what I desire to place before the committee.

The CHAIRMAN. We would prefer to have you state briefly the results. We can not print with your testimony a document which seems to be of that length.

Captain PRATT. I simply want you to know that I am sustained by the most careful compilation of the facts.

The CHAIRMAN. You can state the method of the compilation and the results obtained.

Captain PRATT. I can show you right here in a moment.

The CHAIRMAN. Just state briefly to the committee your method of compilation and the results you obtain by such method. We can get it better in that way, and then we can look over anything documentary later on.

Captain PRATT. Yes, sir.

I took the Indian Office Report for 1892 and I took the names alphabetically, A, B, C, and so on, and ruled a form. Here are the names of those who belonged in the service at the end of 1892, having salaries of $600 and upward, giving the position, the salary received, the name of the person, and the school he served at. The name is entered here on the side; that is, extended to 1893, 1894, 1895, 1896, and 1897, showing when they passed out of the service. For 1893, the names of those who were appointed belonging to the A's was entered in the same order, and for 1894, 1895, and 1896, and the time they had served, when they passed out, and so on through. The whole statement is here, and I will leave it with the committee for any use that you may care to make of it.

The CHAIRMAN. Very well; leave it with the committee.

Captain PRATT. The analysis of this exhibit shows the treatment as to tenure of all superintendents, matrons, and teachers who were placed under the civil-service law protection in 1892.

Office.	In service in 1892.	Remaining in 1893.	Remaining in 1894.	Remaining in 1895.	Remaining in 1896.
Superintendents	105	59	50	36	26
Matrons	73	27	15	11	7
Teachers	319	153	129	107	88

This summary shows that at the end of 1892 there were 105 superintendents; at the end of 1893, 59 of those remained; at the end of 1894, 50 were left; at the end of 1895, 36; and at the end of 1896, 26 of the 105 superintendents were still in the service. Of the matrons there were 73 in 1892 and 7 remaining in 1896, showing that less than 10 per cent of the matrons who were in the service in 1892 still remain in the service.

I desire also to show to the committee that there was a great deal of shifting from school to school. That is illustrated by the career of the 26 superintendents who remained in 1896 of the 105 in the service in 1892. Thirteen of the 26 were at the same school during the years 1892 to 1896, 8 were at two different schools, 3 were at three different schools, and 2 were at four different schools.

The exhibit, as I have explained, also shows those who entered the service up to and including 1896, and how they hold out.

Of the 55 larger schools in existence throughout these four years, nly 10 had the same superintendent throughout the entire period, while 17 had two superintendents, 11 had three superintendents, 15 had four superintendents, and 2 had five superintendents, not counting the special agents or school supervisors often temporarily in charge during the interregnum between superintendents. This is shown by Exhibit B. It is all on one sheet, and I leave it with you. The schools are given on the left and the names of the different superintendents from year to year are carried out, as in the other form, for 1892, 1893, 1894, 1895, and 1896.

To make another comparison, which I think the committee and the Government ought to know, I have gone over the office reports for 1892 and 1896 to show the changes in the different schools. I have not taken all of them, but 35 of the largest schools, and I have pasted on a sheet of paper, side by side, the lists of employees taken out of the official report of 1892 and the lists of employees in the same schools in 1896. I may state that in order to get at what seemed a better showing, and as it did not cover so much ground as the other, I took the salaries down to $400, which would take in more employees.

A comparison of the names of employees receiving salaries of $400 and over at 35 of the largest schools in 1892, with the names of those at the same schools in 1896, shows that, except at Carlisle and Haskell, there was in almost every case a complete change of all employees. The following table gives the result:

Name of school.	Number of employees in 1892 receiving salaries of $400 and over.	Number of employees of 1892 remaining at same school in 1896 receiving salaries of $400 and over.	Remarks.
Carlisle training school, Pa....	*a* 55	21	Same superintendent in 1892 and 1896.
Haskell institute, Kans.....	44	19	Assistant superintendent 1892 and superintendent 1896 the same.
Grand Junction, Colo.....	18	7	Same superintendent in 1892 and 1896.
Fort Yuma, Cal.....	13	7	Do.

a Includes D. Wheelock and R. Bourassa, who received salaries less than $400 in 1892, but who have been continuously in service since at Carlisle at salaries above $400.

Name of school.	Number of employees in 1892 receiving salaries of $400 and over.	Number of employees of 1892 remaining at same school in 1896 receiving salaries of $400 and over.	Remarks.
tten training school, ɛ.	24	5	Same superintendent in 1892 and 1896.
; Rock boarding school, ɛ.	7	5	Do.
›wai, Idaho	26	4	Do.
'anyon, Ariz	17	4	Do.
aining school, Oreg	32	3	
school, Ind. T	30	3	
rque school, N. Mex	40	2	
e boarding school, Wyo.	14	2	
›arding school, Okla	24	2	
: school, Fla	10	2	Do.
school, Ariz	10	2	
'ol. boarding school,	3	1	Do.
; boarding school, Wash	25	1	
aining school, S. Dak	14	1	Do.
nee boarding school,	20	1	
nde boarding school,	6	1	
chool, Nev	20	1	
jave, Ariz	15	1	
›wis training school,	12	.....	
aining school, Nebr	30	.....	
› school, N. Mex	23	.....	
e boarding school, Okla.	15	.....	
oarding school, Okla	22	.....	
ıe boarding school, Okla	10	.....	
ıe boarding school, Minn	3	.....	
boarding school, Okla	13	.....	
knap boarding school,	11	.....	
boarding school, Wash.	11	.....	
boarding school, S. Dak	19	.....	
boarding school, Nev	9	.....	
boarding school, Ariz	20	.....	

e forms I will simply leave here. I made them for that purpose. checked in red ink on both lists the names that appear on both f persons who receive $400 salary and over, and it verifies my ent. That is all I desire to do by it. It is from the official report Commissioner of Indian Affairs for those years. I have marked xhibit C.

l, Mr. Chairman, that matters I had here and that I had intended ent to your committee are hardly in the nature of proper testi- 'or me to give, for the reason that it has come to me not from ›nce or personal observation, but from correspondence or con- on with those in the service filling the same position in the that I do—superintendents of schools, generally—and in order that information there ought to be summoned before this com- as I think, a number of superintendents of schools and let each s own experience. Your summons for me to appear here asked opinions, and I have placed my opinions in some shape. I have

here some of the material which I have received in this way. I will read this if it is proper.

The CHAIRMAN. Yes, sir; proceed.

Captain PRATT. It comes within the scope of the summons, as I understand it, but still it is not exactly the kind of testimony that would go before a court.

I have been an intensely interested observer of the Indian service for thirty years, and have actually participated in that service for twenty-three years. I have very wide knowledge of the time prior to the introduction of the present system and of the abuses of the so-called "spoils system." This knowledge, compared with my knowledge of the present system from the facts presented and other evidences, leads me to say that no greater abuses of change were practiced under the old system than are practiced under the present system. Indeed, I doubt if the old system can show as many radical and hurtful changes as those practiced under the present system. That the present is equally a political system is apparent to every official participating in it. Our greatest difficulty is the securing of efficient help. At Carlisle I have had fully three-fourths of inefficient employees sent to me from the civil service, persons whom I would have rejected if I had been selecting them myself.

Mr. PROCTER. Will the chairman ask Captain Pratt to name some of those persons?

The CHAIRMAN. Captain Pratt, if you have them in mind, you can name them.

Captain PRATT. I have some memoranda here that will call up the names.

The CHAIRMAN. That can be brought out after you conclude your general statement.

Captain PRATT. A superintendent of a very prominent school writes that he would have rejected the applications of fully one-half——

The CHAIRMAN. Please state the name of the superintendent writing the letter so that we can have the benefit of it. I think we ought to have that information as we go along.

Captain PRATT. I will give you a list of superintendents to summon, if you care to have it, and I will give you this superintendent's name among them.

Senator CHILTON. It would be better when you read a letter from a superintendent just to use his name.

The CHAIRMAN. Just use his name, because it is a matter of public interest, and I think it is due the committee, and due to the superintendent himself, that the name should be given.

Captain PRATT. As I explained to you before, it is hardly, as I understand very well, in the nature of testimony, and yet I am trying to do what I understood your committee desired me to do in its summons—to appear before it, to give my opinions and the basis of my opinions. As I said, I will give the names of a number of superintendents whom you can summon, if you care to do so, and who will not only testify to these facts but to additional facts. I suppose the man would object (I would under some circumstances) to have a personal letter used here with his name given. If you rule that out I will just drop it.

The CHAIRMAN. Unless you can give the name of the party writing the letter I should say that it would be improper as corroborative testimony.

Senator CHILTON. It would be improper to put it in at all.

The CHAIRMAN. Your purpose in introducing the letter is, I under-

d, to corroborate the views you entertain with respect to the execu- of the civil-service law?

aptain PRATT. Yes, sir.

he CHAIRMAN. That being so, while in a court of justice it would be admissible, at the same time we will permit you to read a letter oborating your statement; provided, however, that you give the e of the person writing the letter.

aptain PRATT. I will give you the name, and give the names of ers whom I quote here, and additional ones, whom you can summon, ou want to do so.

he CHAIRMAN. That would not be doing what we have asked you o. I think the letters are very pertinent, and we would be glad to r them, but we must insist upon you giving the names of the parties ting letters.

aptain PRATT. I will drop the matter, then. I do not feel, as I lained, that it would be just right for me to do that. These are facts ch can be drawn out. The party can be summoned here, and he ld be perfectly willing to come and give his experience; and others ld be willing to come and give their experiences, if the committee lesires.

he CHAIRMAN. Then, you will please state to the committee your nion, from your experience and observation, as to the operations of law.

aptain PRATT. Yes, sir; I will state some of my own experiences. at is perfectly proper.

he CHAIRMAN. We shall be glad to hear anything coming within ur experience.

aptain PRATT. These are recent experiences. I do not go back in matter. I can do so if occasion requires.

An assistant seamstress recently sent to Carlisle was unable to make ent buttonholes or to cut or fit garments, but was an intelligent son and claimed to have a knowledge of shorthand and typewriting. e majority of the teachers sent me direct from civil service have been fficient. Self-respecting, capable teachers, as a rule, shun the circum- ntion, uncertainties, and delays of the present system, and generally y those who are driven to it by inability to find employment else- ere take the examinations and wait to secure a place. It is common oughout the service for notification of appointment to be received by erintendents, and after quite a delay to be further notified that the son had declined and another appointed, and even to have these eriences repeated several times. That has been my own experience. ese conditions lead superintendents to frequently get on with ineffi- nt help that they would otherwise get rid of, rather than submit their ools to the hurtful delays and disappointments.

asked for a vocal instructor in August. Two special examinations re held to secure a person for the place. Notification of the appoint- nt stated that "the person appointed was the only one who had sed the examination;" and it appeared that the second examination s a modification of the first, rendered necessary in order to secure employee. When asking for an instructor, in obedience to the direc- n of the Indian Office, I stated that the position requires a thorough owledge of the subject of vocal music and ability to teach it accord- g to the best method of the day, together with skill in voice culture d in directing choral work. The advertisement of the Commission s as follows:

"The United States Civil Service Commission will hold an examina- n on October 15 to fill a vacancy *in the position of* music teacher at

the Carlisle Indian School. The salary of the position is $6(annum. The subjects of the examination will be penmanship, o raphy, pedagogy, arithmetic, geometry, geography, natural hi history and Government of the United States, drawing, Am literature, physiology and hygiene, and music. Persons who de compete should obtain application blanks from the Civil S Commission, Washington, D. C., and file their applications at Arrangements will be made to examine each applicant in one large cities nearest to his home. The position requires a tho knowledge of the subject of vocal music and ability to teach it a ing to the best method of the day, together with skill in voice c and in directing choral work."

Within my knowledge only two persons took the examination- of them educated and refined ladies and skillful musicians. B them had applied to me for the place, and took the examinations urgency, and neither of them would have taken the examinatio had not urged it. It will be seen that I could, on my own jud and with every assurance of getting a competent person, have the appointment at once, and not have been subjected to the five months' delay. The machinery and expense of securing th ice through the complex working of the system would thus hav saved the Government. Why the one failed to pass has not ye discovered—that is, the person herself has not been able to kno she did not pass.

The CHAIRMAN. One failed to pass?

Captain PRATT. Yes, sir; one failed to pass. A very c teacher, a graduate and postgraduate of Wellesley College, wh taught successfully several years, and who, in character, abilit qualities was just such a person as I would have selected for a t at Carlisle, took the examination early last October and was no fied of the result until the 11th of March. The delay and anxiet her refined nature were such as to entirely disgust her with th ernment system, and when the appointment came she had aban all expectation of appointment and she went into private school stating that she would not for any amount of money subject l again to such distressing annoyances. Experiences along thes are common.

A young lady in Harrisburg, desiring to get into the Indian service as teacher, applied to me early in 1896. I referred he have hundreds of others, to the Civil Service Commission. Sh the examination and waited almost a year, and then receiv appointment at $600 per year to a school in northwestern Calif She then came to me to know whether she had better acce appointment on these uncertainties, and if so, how she would her place. I explained to her the information which came to her i appointment that the appointment was only probationary until th of the year, and after considerable persuasion that her qualities such as to almost warrant a certainty of further appointment secured the means to take the trip to her new position. As tra expenses are not paid by the Government, this course seems to b only an unnecessary, but a cruel method for a great Governme pursue in getting its employees. Hers is also a common exper Naturally the question arises why equally good teachers might n found on the Pacific Slope.

A person in the employment of the Society of Friends, who ha eight years conducted successfully one of their Indian schools, w

into Government charge, and who was thus thrown out of
, took the examination for superintendent, passed, and was
ble list. He waited patiently for an appointment, but the
the regulations require went by and no appointment was
being interested in him, I inquired at the Civil Service Com-
found that his name had been sent over to the Indian
times for appointment, but no appointment was given him.
ok examinations last October, for both superintendent and
ore than four months after, he was notified that he had
on the 19th of May, six months after taking the last exami-
eceived an appointment. It must be apparent to your com-
these delays in reaching conclusions, and especially when
nection with the uncertainties of continuing, are calculated
he public service. This is a matter of opinion for which I
and I want to bolster it by showing these tables.
]
e of the present system to find out the experiences and per-
ies of applicants and to give due credit therefor is a vital
The practice of placing greater importance upon the mere
uality leads to no end of abuse. It is common to find in
and magazines advertisements of schools in Washington
to successfully prepare candidates to pass the examinations.
sement claims that the principal takes all the Government
s once a year and thus becomes familiar with what is neces-
conductor of one of these schools claims to have success-
ed 1,300 applicants to take the civil-service examination.
se advertisements state that the applicants can just as well
rse and prepare themselves by correspondence as by per-
lance at the schools. It must be evident that what the
wants is not a spurt of information and qualification
such temporary preparation, but rather the general average
ant. A teacher I know who had taken the course in one of
s and had passed the examination, and secured an appoint-
d that $10 had accomplished it.
ictions upon superintendents in managing the internal
eir schools are most extraordinary. Employees are trans-
one school to another without regard to the wishes of super-

hange of duties between a clerk and teacher, which would
interests of the school and which is perfectly agreeable to
nvolved, is not allowed unless there is a reexamination of
for the different positions.
disclaim that I am in any sense an advocate of what is
spoils system." But I am opposed to a system that dis-
he judgments of all Government officials responsible for the
done. I am convinced that any system which makes it
or the person responsible to have any voice in selecting
es who shall serve under him is against the interests of the
of discipline. This is well established by my experience
eriences of all other superintendents within my knowledge.
proper here to give the course pursued before this civil
established. My experience has been exceptional in the
ion of Indian affairs in general, and especially in the educa-
ment of recent years originating when the Carlisle school
hed in 1879. In selecting employees I have uniformly con-
ubheads of departments and have allowed their judgment

to have fullest play. I never made an appointment at Carlisle of a teacher that I did not fully consult my principal teacher, and some of my better teachers frequently, and so in the industrial department and wherever I had an appointment to make. I have also, where I have not known the persons well, required them to visit the school and remain for a time for interviews and a thorough understanding. I often sent or went myself and observed the work and made inquiries on the ground unknown to the person. Under this method I was able to obtain and retain an exceptional employee corps, which has been frequently drawn upon by the Department as it needed capable persons in other schools. As it is now, no Indian school superintendent has any part in the selection of any employee under him who has a salary of $300 and over. He is to know nothing about the person until the information of the appointment comes from the Indian Office.

I will state here that I asked permission at one time to come to Washington and, in company with the superintendent of schools, go over the lists of names sent to him for selection, in a case where I needed an employee, stating that I thought better results might be reached by that method. I was informed that it was against the rules of the Civil Service Commission and against the rules of that office.

The Army management of the present system is better calculated to give satisfaction. When the engineer officer in charge of the improvements on the Columbia River requires help he notifies the War Department. The Department then calls upon the Civil Service Commission, and the Commission sends to the War Department the examination papers of the three highest eligibles, and the War Department then, without passing judgment, transmits all the papers to the officer asking for the employee. The officer makes the selection and notifies the War Department, which in turn notifies the Civil Service Commission of the selection, and the employee is furnished. At least this is the fact as I get it from the chief clerk of the War Department. Employees knowing that they are thus selected by the officer in charge are, as a result, far more subordinate than those who are selected for the whole service by one person in Washington.

I wish to close this written statement by saying that during my long experience in the Indian Service I have never known such unrest and dissatisfaction throughout the schools as now.

This is about what I desired to say to the committee.

The CHAIRMAN. Senator Chilton, do you desire to ask Captain Pratt any questions?

Senator CHILTON. I think I will wait until the members of the Civil Service Commission have questioned him.

The CHAIRMAN. Mr. Procter, ask Captain Pratt any questions you desire.

Mr. PROCTER. Very well. You have been opposed, Captain Pratt, to the application of civil-service rules to the Indian Service from the start, I believe?

Captain PRATT. I have been opposed to it from my experience; yes, sir.

Mr. PROCTER. My understanding is that you opposed it at the early conference soon after it was instituted—really before it had a trial?

Captain PRATT. No, sir; I did not. I knew nothing about it, and I did not oppose anything I did not know anything about.

Mr. PROCTER. You wrote a letter to President Cleveland requesting him to take out the Carlisle school from the civil service?

Captain PRATT. I did; but that was because of experiences had before that time, sir.

:OCTER. Do you remember a conference you had with Com-
: Rice and myself soon after I came on the Commission?
n PRATT. Yes, sir; I remember that I had a conference with

:OCTER. Do you remember that you stated to us that, while
ıot think the application of the rules was a benefit to Carlisle,
ıe Indian Service as a whole you thought it was beneficial?
n PRATT. I do not think I made such a statement, Mr. Procter.
:OCTER. And when I asked you to state a list of grievances as
plication of the civil-service rules to Carlisle, they were, accord-
7 recollection, imaginary—that is, what might be done by the
ffice, but not what had been done.
n PRATT. I do not recall that.
:OCTER. The figures which you gave here are substantially the
hich you gave in the Red Man, the publication?
n PRATT. Well, those figures have been extended somewhat.
in the same line.
:OCTER. Are you aware of the fact that both Dr. Hailman, the
endent of Indian Schools, and Commissioner Browning stated
: deductions there were not warranted by the facts? And I
he word was used that the official reports had been garbled.
n PRATT. Had been what?
:OCTER. That the official reports had been brought out in a
orm.
n PRATT. I present them here to show that they were not.
ıy purpose in coming before this committee.
ROCTER. In a communication of Commissioner Browning to
tary of the Interior, he says——
IAIRMAN. It is the judgment of the committee that you had
nit that, Mr. Procter, and let Mr. Browning come before the
e and make the statement he may have to make in reply to
ment that Captain Pratt has made. You can ask Captain
7 questions that you desire, but without quoting letters.
ROCTER. All right. Is it not true that when you objected to
ıor positions—matrons, seamstresses, etc.—your attention was
the fact that the rules authorized you to employ Indians with-
ination?
n PRATT. Yes, sir.
:OCTER. And you stated that there was not sufficient room to
n quarters at the school?
n PRATT. The Indians?
ROCTER. No; to give some white persons who had been
d—persons in these minor positions.
n PRATT. No, sir; that is not true. It is not covering the
th. My statement was that I had a large number of employees
ıys had had their homes in the town of Carlisle. We had, for
5 assistant seamstresses, and 5 assistant laundresses. I said if I
pelled to give quarters to one who was sent by the Civil Service
ion I should have to open the door and give quarters to all,
would lead to my giving quarters to all the employees who had
ıes in Carlisle, which would necessitate an appropriation by
for the erection of additional buildings.
:OCTER. About how many Indian girls have you at Carlisle?
n PRATT. About 340.
:OCTER. They are taught industrial arts, are they not?
n PRATT. Yes, sir.

Mr. PROCTER. Is it not a part of the teaching that you should teach them to be seamstresses and laundresses?

Captain PRATT. Yes, sir.

Mr. PROCTER. Then, could not the minor positions, as seamstresses, laundresses, and carpenters, be filled from those Indians without a civil-service examination?

Captain PRATT. They could be appointed, sir; but that the positions would be filled competently just on the spur of the moment is not true. That is an assertion made by people in Washington, without a knowledge of the facts. We have pupils there for a limited time. If we can hold on to them and carry them forward a sufficient number of years, which requires strength and skill of management; if we could keep them there until they are women, strong and able——

Mr. PROCTER. Can you not keep them after you appoint them to these minor positions?

Captain PRATT. I might keep them there and go on with instruction in that way, and finally make them competent.

Mr. PROCTER. The whole object of Indian education is to make the Indians self supporting, is it not?

Captain PRATT. Yes, sir.

Mr. PROCTER. Then would it not be better to appoint them to these minor positions?

Captain PRATT. I will qualify my answer. I am in a great deal of doubt as to whether it is the object, because from all the schools they are relegated back to the tribes and thrown into conditions where self-support is impossible.

Mr. PROCTER. In the case of any of your employees that you have recommended for dismissal or transfer, have the Commission refused to dismiss them or transfer them?

Captain PRATT. Not ultimately, sir. Usually they have transferred them. When I have recommended or stated, under the civil-service law, that a person was not competent for the school service they have usually been transferred and promoted.

Mr. PROCTER. In reading the list of schools you spoke about quite a number separated from the Carlisle school. What became of those people?

Captain PRATT. Yes, sir; I will give you that.

Mr. PROCTER. Were they dismissed from the service?

Captain PRATT. Not all. I will give you the exact list. These 27 names here [exhibiting] comprise the exact list. I supposed that question would be asked. Here is the exact list, which I will file here. It shows what became of all who left the Carlisle school. The summing up of it shows that 3 were promoted, 5 were transferred, 16 resigned—that is, in the whole four years—6 were relieved, and 4 died.

Mr. PROCTER. You made a statement of the people who were in the different schools one year and then computed the number now. Did not that statement convey the impression that those people were separated from the schools. They were separated from those schools, but they were promoted or transferred?

Captain PRATT. The list here will show that the number transferred is comparatively limited; that generally they were separated from the schools. The figures that I gave show, as I stated, the number under civil-service protection or civil-service rules, the superintendents, matrons, and teachers only, beginning with March, 1892. The list shows that they left the service completely. It is intended to show that they left the service entirely. Their names do not appear on the

I have taken them carefully, A's, B's, and so on, and worked ıd it shows that what I state is true, notwithstanding what the ıent says about it.

or CHILTON. Are we to understand that the list includes

in PRATT. Oh, yes; every separation from the service.

ROCTER. So those separations, which look upon their face as s, were deaths, resignations, transfers, and promotions?

in PRATT. Everything, sir; of course.

ROCTER. That is what I thought. You said that inefficient es were certified to you by the Commission. Could you name those?

in PRATT. Yes, sir. There was a Mr. Marshall—T. M. Mar- ppointed to Carlisle as a teacher, at $600 a year. I reported him. He was transferred from me as superintendent of an ıchool in the West at $720.

ROCTER. He had been a teacher, had he not?

in PRATT. Yes, sir; he had been teaching among Indians as a ıry.

ROCTER. You are aware of the fact that you can only take eople on probation and you do not give them an absolute nent until you have given them six months' trial? So, if they satisfactory——

in PRATT. Yes, sir; his is just such a case.

HAIRMAN. Why was he transferred? Why did you object to

in PRATT. The man was not well balanced. He was a little y. He was very dirty in his habits. He had no respect. He the respect of his pupils. He was at this new place but a very ıile when they found out that I was right about it and dismissed

ROCTER. Is it not true, Captain Pratt, that the superintend- Chilocco, and Haskell, and Hampton, and those larger schools t only advocated the application of the civil-service law to those but have testified to the efficiency of civil-service employees improvement of the service in consequence of their employment?

in PRATT. Hampton has nothing to do with the Government. side of the Government.

ROCTER. I know, but General Armstrong knew a good deal ıe Indian service, did he not?

in PRATTT. Well, he thought he did.

ROCTER. He thought he did?

in PRATT. Yes, sir. Being entirely outside of it, having nothing ith it, of course his opinions were of no account.

ROCTER. Is it not true that the men who have visited the West ve seen a good deal of the Indian service, men, as I said, like erintendent of the Haskell school, Mr. Meserve——

in PRATT. He was under civil service until Mr. Cleveland came ıst time, and then he resigned and went out. I would not con- ı judgment about it worth very much from the few months that charge. It was a good thing, because he was at these conven- ıere I was present, and heard these gentlemen expatiate upon ellent qualities of it, and he accepted what they said without nowing.

'ROCTER. Have not Mr. Welsh and the other men who have he West a great deal and looked into the matter and taken the

evidence of the various teachers and superintendents borne the same testimony?

Captain PRATT. If Mr. Welsh will take charge of Carlisle for one year and receive the same treatment that I have received, he will not have the opinions he holds now. He knows nothing about it. He is outside of it. He is a sort of a boss.

Mr. PROCTER. You spoke of a teacher of music having been put through a difficult examination, and you just now said that you thought clerks themselves ought to be employed even as teachers. Do you not frequently call your teacher of music to the teaching of other branches?

Captain PRATT. No, sir; at Carlisle our school is so large that——

Mr. PROCTER. At some schools is it not true that they frequently have to do that?

Captain PRATT. Two positions in the smaller schools are put together, and the teacher of music may be one of the teachers in other branches. That is very common.

Mr. PROCTER. Can you name the Wellesley graduate who took an examination in October and did not get her rating until March? We have no way of finding out about that without the name. I should like to look at those papers.

Captain PRATT. I can do so if you will give me a moment or two. I will give the name before I get through. I do not just get hold of the name now.

Mr. PROCTER. You said it was against the rules of the Civil Service Commission to submit papers to the superintendent of an Indian school. Have you ever been informed from the Commission that that was against the rules?

Captain PRATT. To the superintendents of schools? Yes, sir; I have the statement in writing from the present superintendent of Indian schools that it is against the rules of the Civil Service Commission and against the rules of that office.

Mr. PROCTER. Do you not know that so far as the Civil Service Commission is concerned the same rules apply to Indian schools that would apply to the War Department or any other Department where the papers are submitted to the chief who makes the appointment required?

Captain PRATT. That I supposed to be the case, and that is the reason why I made the statement here.

Mr. PROCTER. There is nothing in the rules to prevent that.

Captain PRATT. No, sir; in fact formerly, before Dr. Hailmann, I had the papers sent to me, and I was allowed to make my selections.

Mr. PROCTER. Was it prior to your letter to President Cleveland on that point that Mr. Roosevelt visited Carlisle and made an investigation of the working of the civil service there?

Captain PRATT. Prior.

Mr. PROCTER. Just prior?

Captain PRATT. Some time before; I do not remember just how long; perhaps a year. If you want that, I can give you the official correspondence showing that Dr. Hailmann made that statement. I did not suppose it was true, but then that was the official information I had.

Mr. PROCTER. I should like to file the report of Mr. Roosevelt. Can I file it now?

The CHAIRMAN. That will come in later. This is in the nature of a cross-examination. If you wish to ask Captain Pratt about anything that has been brought out in his testimony you can do so, and the letter from Mr. Roosevelt will come in when you reply.

Mr. PROCTER. Can I file it to-day?

HILTON. What is the nature of it? What kind of a report

TER. The report of the Civil Service Commission.
HILTON. Let me look at it for a moment, please.
RMAN. You can go ahead with the examination while Sena-
examines the letter.
TER. I may want to use it in cross-questioning.
HILTON [examining letter]. These are statements said to
ade by Captain Pratt?
TER. Yes.
HILTON. You can ask him if he made such and such a

TER. Mr. Roosevelt, in his report of that interview, makes
g statements. I will read them, and you can answer each

RMAN. I suggest that you put the question in this form:
ate——?" etc.
TER. Did you state to Mr. Roosevelt that the Roman Catho-
e worst foes the Indians had, as well as the worst foes the
?
RMAN. I do not think that that would really have anything
t. It would be getting the question of religion mixed up in
I do not think that is pertinent, or has anything to do

TER. This is one—that one of your chief objections to the
law was that it might foist upon you Roman Catholic

RMAN. I think that is all right.
HILTON. Yes.
'RATT. I stated to Mr. Roosevelt, if I remember correctly,
centration of appointments in the way the civil service was
ıg them would, in my judgment, lead to the ability of some
to get control and to send into the service just such people
d to send; and I may have used the word Catholic in con-
ı it, if that is an important matter. I do not hesitate to
erience and my judgment about it.
RMAN. You can state anything you wish in regard to that

'RATT. The proof of it is in the showing I make here, that
mployees has been pretty nearly entirely swept out of the
n under civil service, and their places filled by others. If
ee will look into the political beliefs of those who went out
itical beliefs of those who came in, I am sure they would be
inced as I am that what I say about politics in connection
ne.
RMAN. What did you find, in that respect, by looking into it?
'RATT. I mean to say that Republicans went out and that
went in generally.
TER. Into the classified service or the unclassified service?
'RATT. Into the classified service.
TER. What do you base that on?
'RATT. I base it upon my own observation and the observa-
ated in my paper, of people in the service.
TER. Can you, from your own knowledge of the persons,

who have gone in as teachers of Indian schools in the last three years, name a majority who belong either to one party or the other?

Captain PRATT. Do you mean to give their names and their political beliefs?

Mr. PROCTER. Yes.

Captain PRATT. Not to a wide extent.

Mr. PROCTER. Can you name ten?

Captain PRATT. I could name a good many more than that. If you wish me to find ——

Mr. PROCTER. Giving their politics?

Captain PRATT. If you wish me to find out about it, I will do so.

Mr. PROCTER. On what do you base your belief? You say you base it upon observation, and I want to know how many persons you can name now who have gone in through examination whose politics you can give.

Captain PRATT. There were seven appointments sent to me at Carlisle at different times and there was not a Republican among them.

Mr. PROCTER. Can you name those seven? Were they on certification?

Captain PRATT. I suppose they were. They were appointed under civil service.

Mr. PROCTER. Please name the seven.

The CHAIRMAN. Give the date, also.

Mr. PROCTER. And give the dates of the appointments.

Captain PRATT. Mr. Marshall was one. His name I gave awhile ago.

Mr. PROCTER. What date was he appointed?

Captain PRATT. July, 1893. Mr. Nolan—William Nolan.

Senator CHILTON. Do you have the initials? If so, give them.

Captain PRATT. William, I think, is his name—W. J. Nolan. The fact that he was appointed at Carlisle, I think, is sufficient.

Mr. PROCTER. What was the date of his appointment?

Captain PRATT. September 25, 1894. Mr. J. Ernest Palmer; Mr. Palmer was appointed September 15.

Mr. PROCTER. 1894?

Captain PRATT. Yes, sir; 1894. You have Marshall, Nolan, and Palmer. Mr. M. G. Aumend, October 4, 1894. I suppose the female appointments would not count, would they?

The CHAIRMAN. It does not make any difference about that. State the facts as to any appointments.

Captain PRATT. Miss M. L. Silcott.

Mr. PROCTER. Was she not appointed——

Captain PRATT. Transferred.

Mr. PROCTER. Was she not transferred on your request?

Captain PRATT. Yes, sir; at my request. I should have to consult my records to give further information.

Mr. PROCTER. Those are five. Do you know any in other schools?

Captain PRATT. I simply know that it is the common talk of superintendents and people who have been in the service everywhere that such is the case throughout the service.

Mr. PROCTER. Could you give the name of one superintendent who has made such a statement?

Captain PRATT. I am not sure that it would be wise. I am standing here on my own testimony, and I will stand for what I say, and with the present disposition toward the service by the management still in power I think perhaps I had better not do so. I have no objection, however, if the committee want to call them, to furnish the names.

The CHAIRMAN. We will ask you to give us a list of names of per-
ıs to be summoned.

Mr. PROCTER. Is it or not true that the former Secretary of the
erior, Secretary Francis, after looking into the case and charges,
rimanded you and stated that you had not attempted to carry out
civil-service law, and that the reprimand was based upon a com-
te statement from Commissioner Browning and Superintendent
ilman?

Captain PRATT. I am glad the chairman of the Civil Service Com-
ssion asks me that question, and I wish to read, now that it is asked
, the whole letter and my answer to it, and insert it as part of my
stimony in the record, if I may do so.

The CHAIRMAN. Give us the statement.

Captain PRATT. The letter was written and published in a number
papers, and I wrote an answer to it and was proposing to put it out,
ıt on the suggestion of friends that it would be better for me to wait
ıtil the Civil Service Committee had got to work and I had given my
stimony here, I refrained from doing so.

I am willing to place in the record Secretary Francis's letter. I find
a paper called Good Government, published in New York, the follow-
g letter, of which I previously received a copy, as my statement in
swer will show. Secretary Francis's letter has appeared in print; it
as circulated quite widely not only in print but in typewritten copies,
certain civil-service reformers whom I need not name.

"A REPRIMAND FOR CAPTAIN PRATT.

"The results of an investigation by the Interior Department into the
harges of improper administration of the civil-service rules made by
aptain R. H. Pratt, of the Carlisle Indian School, are not at all favor-
ble to the captain.

"The appended letter of Secretary Francis, transmitted to the Indian
ffice a few days before his retirement, requires no explanatory com-
ment:

"DEPARTMENT OF THE INTERIOR,
"*Washington, February 27, 1897.*

The COMMISSIONER OF INDIAN AFFAIRS.

"SIR: From such examination as I have been able to give the papers
bmitted by you in reference to the relations existing between the
ficial, of the Indian Office and the superintendent of the Indian school
Carlisle, Pennsylvania, being correspondence between the said
icials, charges and counter-charges of misconduct and insubordina-
n, with reports upon the same; also of the 'Red Man,' a paper pub-
hed at the Carlisle School, I observe your findings to be"—

That is, the finding of the Commissioner of Indian Affairs—

"1. That the conduct of Capt. R. H. Pratt, superintendent of the
rlisle Indian School, an employee of the Indian service, in attacking
public print the policy of the Government with reference to Indian
ucation, and his superior officers, has been insubordinate and subver-
e to discipline.

"2. That Captain Pratt's allegations and insinuations as to the con-
uction and enforcement of the civil-service laws and regulations by
superintendent of Indian schools, and as to the conduct and bearing
that official are not borne out by the facts; but that Captain Pratt is the
rson who has placed an improper construction and enforcement upon

the civil-service laws and regulations at his school instead of the Indian Office.

"In view of these findings"—

Made by the Commissioner—

"which seem to be borne out by the papers in the case, I am of the opinion that the Department would be justified in requesting that Captain Pratt be relieved of duty as superintendent of the Carlisle school.

"In consideration, however, of Captain Pratt's long and valuable service in the cause of Indian education the Department will forbear making this recommendation, but it is hereby ordered that in future Captain Pratt shall avoid, in the 'Red Man,' 'Indian Helper,' or any other publication issued from the printing office of the Carlisle Indian School, all criticism of the Indian service and its officials, as well as controversial articles concerning the policy of the Government with reference to the Indian service, and shall transmit regularly to the Commissioner of Indian Affairs two copies of all publications issued from said press.

"It is further ordered that Captain Pratt shall promptly comply with all regulations of the Indian Office and the Civil Service Commission in reference to the appointment of teachers and employees.

"Very respectfully,

"DAVID R. FRANCIS, *Secretary.*"

I have my answer to that letter. This, mind you, was prepared for publication, but it need not vary for presentation here:

"As a civil-service measure the above is being adroitly sent to Congressmen, persons in the Indian service, and others, from Washington and by the Indian Rights Association, as a newspaper clipping. Besides being printed in Good Government, and, of course, in Mr. Welsh's other paper, City and State, it was also sent by its correspondent, ———, from Washington and printed in the New York School Journal. The letter having thus appeared in print under the incitement of the late Administration's officials, there are several adverse facts in connection with it we now have full right to put out. We accordingly invite attention to the following:

"1. The honorable Secretary's letter is dated February 27, only five days before he vacated his office, was forwarded by the Commissioner of Indian Affairs on the 2d and reached Captain Pratt on the 3d of March, only one day before Mr. Francis closed his short term as Secretary of the Interior.

"2. Secretary Francis admits in the letter that he was not able to make full 'examination' of the papers submitted by the Commissioner of Indian Affairs only (not jointly with Captain Pratt).

"3. The letter itself says 'I observe your findings to be,' etc., and also 'in view of these findings, which seem to be borne out by the papers in the case.' So the whole matter was injudicially arranged in the Indian Office, was ex parte and in no sense an investigation, and the attempted reprimand was therefore without warrant.

"4. The publication of it is exactly the same act as the offense charged against Captain Pratt, and if the action of the Bureau or Department may be thus published in an attempt to degrade Captain Pratt, no proprieties are violated by Captain Pratt in defending himself before the same court, or in having published what he knows to be true.

"5. The letter assumed a prerogative by an executive of the Government which the Constitution itself denies to Congress. Article 1 of

he first amendment of the Constitution provides that 'Congress shall ake no law * * * abridging the freedom of speech or of the ress.' * * *

"6. The matter upon which the Secretary acted was submitted to im by officials in the Indian Office inimical to Captain Pratt, without ie knowledge of or any opportunity on the part of Captain Pratt, efore or since, to see what was submitted, or to make answer thereto, nd the whole transaction was in violation of the Constitution, which ives the right to an impartial trial.

"7. It was and is well known that Captain Pratt was and is ready to ieet, before any impartial tribunal, all allegations against him, and to stablish the truthfulness of his statements and statistics, and also that e will do so quite entirely by the official records of the Indian Depart- ient. Hence the peculiar method and the extraordinary letter."

I will give that as my answer to the question put by the chairman f the Civil Service Commission.

Mr. PROCTER. This grew out of publications in the Red Man, a paper ublished at the Carlisle school?

Captain PRATT. Yes, sir.

Mr. PROCTER. Were not marked copies of the Red Man sent broad- ast, and sent to Senators and Representatives?

Captain PRATT. Yes, sir. I should like to state, if I may, in justice to myself——

The CHAIRMAN. I will suggest that it is now time for the adjournment of the subcommittee. Senator Chilton will probably desire to ask you a few questions, and I should like to ask you some further questions. I therefore suggest that you come back here next Saturday, if you can conveniently do so, and we will then continue the examination.

Captain PRATT. I am at the service of the committee.

The CHAIRMAN. That will give you ample opportunity to say anything you wish, and you will have a chance in the meantime to refresh your memory.

Captain PRATT. While the statement is before the committee, which has not been allowed to be entered in the record, I think it unfair to put before the committee the letter which was written by the civil-service advocate who came to Carlisle in an early day of the civil service, when I had not had as much experience with it as I have had now, and when he talked over confidentially, as I understood, in a friendly way, because he came there claiming to be friendly——

The CHAIRMAN. To whom do you refer?

Captain PRATT. Mr. Roosevelt, whose letter is before the committee. The chairman of the Civil Service Commission has said that Mr. Roosevelt stated so and so, evidently with the purpose of prejudicing my testimony, which did not go into the record. I do not like it. It is not the way to do business.

The CHAIRMAN. It was with that view that we did not permit it to go into the record. We thought Mr. Roosevelt should come before the committee and that you should be permitted to confront him when he makes any statement. If he makes any statement reflecting upon you as a man, we will certainly give you an opportunity to be heard.

Captain PRATT. The chairman of the Civil Service Commission stated in the informal conversation, which the chairman of the committee directed the stenographer not to insert in the record, that I was insubordinate. If I am insubordinate, I belong to the Army of the United

States, and they can make any charges they please and I will meet them.

The CHAIRMAN. It was the unanimous opinion of the committee that those statements should not be permitted to go into the record.

POST-OFFICE DEPARTMENT.

FREE-DELIVERY DIVISION.

TESTIMONY OF FRANK H. JONES.

Mr. JONES. I am Mr. Jones, who was First Assistant Postmaster-General under the last Administration. I should like to ask the indulgence of the committee now, if it is possible, to make a brief statement in contradiction of Mr. W. W. Hill's testimony.

Senator CHILTON. Will you be in town next Saturday, General?

Mr. JONES. I came here just too late last Saturday for the hearing, and I have been here all the week waiting for this hearing.

The CHAIRMAN. How long will it take?

Mr. JONES. It will not take me five minutes.

The CHAIRMAN. All right; proceed.

FRANK H. JONES, being duly sworn, testified as follows:

Mr. JONES. I wish merely to appear before the committee in contradiction of some testimony given by W. W. Hill, a former employee of the Post-Office Department and in the Bureau of the First Assistant Postmaster-General, wherein he reflects upon me, so that it is more a matter possibly of personal privilege than anything else.

My attention was called to it a week ago by the newspaper reports, which reports I find are substantially as in the evidence taken before the committee, to the effect that when he came to me as First Assistant Postmaster-General, making some charges against certain officials of the Department, I told him to go back to his desk, that it was ingratitude in him to the Postmaster-General to bring up matters of that kind, or to stir up trouble in the Department. I wish to make a denial of that statement of his. It is absolutely false.

At the time to which he refers as having come to me, his superior officer, Mr. Machen, the superintendent of the free delivery division of the Post-Office Department, was in Chicago by order of the Postmaster-General, to rearrange the postal service of Chicago, fifty-nine offices were abolished in the city of Chicago, the city having extended its limits so as to take in fifty-nine offices. Those fifty-nine offices were to be abolished and made stations of the main office at Chicago, and Mr. Hill was in that vicinity in reference to overtime claims, and I ordered him to Chicago to assist Mr. Machen. He left. He did assist Mr. Machen there. Mr. Machen informs me that was the year previous.

Mr. MACHEN. That was in July, 1894.

Mr. JONES. Mr. Machen was there at this time to make investigations in relation to the carrier service?

Mr. MACHEN. Yes, sir.

Mr. JONES. The only point of it all and the point to which I am coming is, that when Mr. Hill returned to the Department Mr. Machen was still in Chicago. Mr. Hill came to my office and made charges against his superior officer, Mr. Machen, saying he was trying to undermine me; trying to get me removed from the service, so that he could be appointed First Assistant Postmaster-General.

I said, "Mr. Hill, you must not come to me with stories of that kind now. It is well enough for you to bring it to my attention, but you must wait until your superior officer returns, and then both of you must come before me. Both of you shall have a hearing—a full, fair, and free hearing."

He then said, "The division is in disorder," and referred to some letter that had been brought in—I think it is in the record here—known as the Gardenheir letter. I said, "You are the acting chief of the division in Mr. Machen's absence, and it is your duty to go back to the division and bring about order if there is disorder there, and if you can not do it, report it to me. You take this letter, being the acting chief of the division, and hold it in your possession."

When Mr. Machen returned to Washington I brought Mr. Machen and Mr. Hill before me, and had Mr. Hill make the statements in Mr. Machen's presence which he had made previously. Mr. Machen then and there denied them and denounced them as false. Subsequently I made a thorough investigation of the matter and became convinced that Mr. Hill's charges against Mr. Machen were false.

About that time I was absent from the city, and a note came to me to the Department, marked "important," and it came into Mr. Machen's possession. It was addressed to be handed to me if present; if not, to be handed to Mr. Machen. It was a letter from a man by the name of Joseph Bradfield, charging that there was a conspiracy on foot by clerks in my Bureau; that they were trying to bring discredit upon my administration of the Bureau; and the writer said he was ill in bed and could not come. Mr. Machen went to his house, and he then told him that W. W. Hill, this man Samuel Beight, and a man by the name of Sullivan were in the conspiracy, and that he had been shown a statement, made up of letters or copies of letters taken——

Senator CHILTON. I think under the rule we have adopted it would probably be better for you not to state anything you did not yourself hear. I understand you are about to tell what happened between Mr. Machen and someone else.

Mr. JONES. Very well; I withdraw it.

Enough facts were brought to my attention to warrant me, as I believed, in looking into the matter. I had two regular post-office inspectors detailed for that purpose, and finally was satisfied that I had enough to bring these people before me. I had Sullivan brought first, and Beight and Hill, each separately. Sullivan and Beight at first denied everything. They said that there was no truth in the statement that they were conspiring to injure me. I then rang my bell and had my secretary come in, and then they both said, "Well, here, if we are on oath, now we will tell the truth;" and they then—Sullivan and Beight—confessed that they had been conspiring with Hill. Upon the confessions they then made I recommended to the Postmaster-General their removal from the service.

Senator CHILTON. I think it is all right to state any confessions which they made to you—they having occurred in your presence.

Mr. JONES. Those confessions are on file in the Post-Office Department.

After my secretary came in I asked Beight why did he not tell this before me. He said he was not then under oath, and I said, "Do you make a distinction in telling the truth, whether you are under oath or not?" "Well," he said, "I did in this case."

Mr. Hill has referred in the record to the fact that I attempted to throw him from the window. I think that was an undignified remark for me to make, but it came about in this way: After I had begun to

question him when my secretary had come in, and when he then said, "I will tell the truth and tell all of it," I asked him about Joseph Bradfield. He said, "How much did you pay Bradfield to give you this information?" I felt insulted by the remark, and I said, "If you make any such insinuations you will not only be removed from the service, but I will throw you out of this window." I will admit that it was not a very dignified remark to make, but I meant it at the time.

W. W. Hill refers also in his testimony to the fact that these agents were not appointed by me, implying, if not saying, that I evaded the responsibility, and he filed a letter from W. H. Lamar, acting First Assistant Postmaster-General. I think the committee understands, from a question put by Senator Chilton, that the chief clerk of the Bureau, in the absence of the First Assistant, is the acting First Assistant Postmaster-General and must sign all letters as such. I happened to be away, and he signed the letter. All the other appointments and all other letters and papers that were to be signed by the First Assistant Postmaster-General when I was present I signed myself.

Mr. Machen suggests the Lackey matter. He speaks about a man in the post office at Washington, who had been convicted of some crime, or had been removed for embezzlement, who was one of the secret agents. That is not true. There was a man named Lackey, from Illinois, who never was in the Washington post-office and who never was convicted of or charged with any crime that I know of. Hill has simply got the name mixed with some other man by the same name who was in the Washington post-office.

Mr. Hill also implies, in an answer on page 113, that after he had brought this information to me he concluded that he had not given me any new information. He said:

> I do not believe, indeed, that I carried any information to him—

Meaning the First Assistant Postmaster-General. I take it that that is an insinuation or an implication that I knew all the time what was going on and did not correct it. I believe now and believed then, after investigating it thoroughly, that the stories which Mr. Hill brought to me were of his own creation, or they may have been based upon things which he thought were facts. There was no other way for me to know anything about them; at least I did not know, and I had heard nothing from them or about them until Mr. Hill brought them to my attention.

He says, on page 114:

"Mr. Jones asked me the source of my information concerning these things. I showed him the autograph letter from Mr. Gardenhier. He said he did not think so much of that, because he supposed Mr. Machen was anxious to help his friend, Mr. Campbell, out in the Ohio campaign. He said that was natural enough, though there was a better way to do these things, he thought. But still he took no action about it, so far as I knew, except that he called up Mr. Sullivan, the man who had told me about it, and said at first he would certainly remove him. I said: 'If Mr. Sullivan goes out of here for the offense of informing me, his superior officer, of an iniquity in this division, I go at the same time. I stand upon that issue squarely.'"

He never made any such statement to me. In fact, nothing was ever suggested about his removal from the Department until he denied absolutely the truth of the statements by his coconspirators, and then I said to him that he would have to go with them.

I have stated about all that I came here for the purpose of stating, simply to contradict this man. I have read over the testimony of Mr. Machen, the superintendent of the free-delivery division, and if I were

ed upon to testify to the various details that the committee called in his examination, I would answer substantially what he has said. act, if I can, I will assume his testimony as my own in reference to se matters.

he CHAIRMAN. You think his testimony in that respect is substan-ly correct?

Mr. JONES. Yes, sir; I think it is substantially correct.

wish to state to the committee that I am ready to answer any estions they may see proper to ask me. I have nothing to conceal.

Senator CHILTON. I desire to ask you one general question. The plication from Mr. Hill's testimony is that you became incensed at n because he was pointing out these transactions to you—political essments, as he called them—and the consequent exposure of the rties connected with them. Is there any truth in that statement?

Mr. JONES. No, sir; there is no truth in it whatever. The mere fact at he exposed them had nothing to do with it. I said to him, "Mr. Hill, ave nothing to conceal. I want to know of any derelictions on the rt of anybody in this office, but I do not think it fair to your superior icer for me to make an ex parte statement in his absence. Your perior officer is also my subordinate, and it strikes me that my duty quires that you both shall be present and in my presence make such atements as either of you see proper."

I am very much obliged to the members of the committee for hearing e this morning.

The CHAIRMAN. We are very glad to have had you here.

At 12 o'clock and 10 minutes p. m. the subcommittee adjourned until aturday, June 5, 1897, at 10 o'clock a. m.

SATURDAY, *June 5, 1897.*

The subcommittee met at 10 o'clock a. m.

Present: Senators Pritchard (chairman), Elkins, Chilton, and Harris f Kansas.

Also Hon. John R. Procter, president of the United States Civil ervice Commission, and Mr. G. R. Wales, of the Commission.

INTERIOR DEPARTMENT.

INDIAN SCHOOL SERVICE.

TESTIMONY OF CAPT. R. H. PRATT—Continued.

The CHAIRMAN. I will state that at the last meeting we had before s Captain Pratt, superintendent of the Indian school at Carlisle, Pa. le wishes to continue his statement this morning. Captain, anything lse that you desire to say we are ready to hear.

Captain PRATT. I will state, in addition to what I said in giving pinions, that I have taken a leading part in Indian education; that I n principally responsible for the building up of Indian schools in ese later years; that I first placed Indian children at the Hampton hool and attracted public attention by it, and that I established a hool at Carlisle and have been the superintendent of it for nearly ghteen years, with what success the general public is very familiar.

Yet it would be impossible for me to pass the civil-service examination for any position that I would accept—I mean as superintendent, assistant superintendent, or any responsible position in an Indian school.

The CHAIRMAN. Do I understand you to say that it would be impossible for you to pass the examination required to be taken by applicants?

Captain PRATT. Yes, sir; it would be impossible for me to pass any of the examinations which applicants for these positions are required to pass in order to get appointments in the Indian school service, as at present arranged.

The CHAIRMAN. Will you please state the chief objections you have to the examinations in order that we may have the benefit of your information and knowledge in that respect.

Captain PRATT. I am only stating a fact from which I wanted to present to the committee the further fact that the system rules out such men as I am.

The CHAIRMAN. Why is it that you are ruled out?

Captain PRATT. Simply because I had not the schooling and technical knowledge necessary.

Senator HARRIS, of Kansas. At the same time is it fair to make that fact bear against the specific examinations for certain positions in the Indian service when with all your experience and knowledge of the general management and conduct of affairs you might not be so competent as someone who is better up, say, in mathematics, than you are?

Captain PRATT. Naturally I have great sympathy for men who have been unfortunate in early life in their educational advantages.

Senator HARRIS, of Kansas. I have in mind the duties of a teacher. Taking the President of the United States as the highest type of an official position, he, of course, might not be suited for teaching a class of Indian girls or boys.

Captain PRATT. Yes, sir; what I wish to call attention to in connection with the statement is simply that we do not, by the system of examinations, get the executive ability and the experience that will give us the best results.

The CHAIRMAN. Then, I understand you to say that if it were left to you to make the choice of teachers, you would have their qualifications as teachers tested as well as their executive ability to manage and control the service. Is that it?

Captain PRATT. Certainly, sir; I have no objection to examinations that will test their qualifications. I never appointed a teacher at Carlisle without looking into that matter.

The CHAIRMAN. It is on that point that we would like to have suggestions as to the character of questions to be asked applicants. I understood you to say that you favored a liberal merit system. Now, what character of questions do you think should be submitted or what kind of an examination should be resorted to in order to obtain efficient service and at the same time do justice to everyone?

Captain PRATT. That is a wide field, and I do not feel myself competent to take hold of that feature of it. I only insist there should be just as much latitude and as much emphasis placed upon the character qualities of a person as upon his scholastic qualities. I am quite in favor of the recent arrangement of Governor Black, of New York.

The CHAIRMAN. In what respect do you mean?

Captain PRATT. He has arranged by the recent civil service law there that 50 points on any examination shall be given to the civil-service

ı, and that 50 points shall be given to the other side of it, ıe persons who are responsible for the work to be done shall test on the qualification side or on the character side. I he absolute removal from the person who is responsible for ;o be done of all power or voice in the matter of selecting . That is my case exactly. I have not a single thing to say persons sent to Carlisle until after they are sent there, and x months' probation I find they are not right I can report hem, and then it will be attended to. That, I think, is an the public service. I have a larger interest in the success of han anyone else, and I have a right to say something about l be appointed there.

r HARRIS, of Kansas. I feel the force of your objection, Captain, ould like to know whether you have observed any difference yalty of the appointees who arrive at their appointments a civil-service examination. Are they as loyal and as strictly .e control of their superiors as if they were appointed by the Departments themselves?

in PRATT. The general disposition of those who have been ed to Carlisle has been immediately to take their grievance over d by correspondence or by visits to Washington, which, of is subversive of discipline.

;or HARRIS, of Kansas. That is the point I wanted to get at.

CHAIRMAN. Are you through, Captain Pratt?

ain PRATT. Yes, sir; with that particular point.

CHAIRMAN. I believe you failed to give us the names of superin- ts. You said at the last meeting that you had some names to t. You did not give them to us.

ain PRATT. I have not done so.

CHAIRMAN. We would be glad to have them given now.

tain PRATT. If it will suit you just as well, I have learned some since I came to the city, and I will furnish Mr. Hyams with a names by Monday.

CHAIRMAN. Yes; we wish the names in order that we may invite :o come before the committee. We want to hear what they have upon the subject.

tain PRATT. In regard to the abuses under civil service I wanted a word or two more.

CHAIRMAN. Very well, proceed.

tain PRATT. I had a number of private letters, as I explained to ommittee the last time, that I did desire to put before the com- e. I have endeavored to get the consent of some of the superin- ents to allow me to do so. I have succeeded in only one case, and dition a letter was handed to me this morning by Senator Nelson h I am allowed to use, and which I will read. It is from a former rintendent of an Indian school, Clinton J. Crandall. I will read a ion of it:

was first appointed superintendent of the Pipestone Indian school, ipestone, Minn., my home, in April of 1891, by General Morgan, have therefore had some five years' experience in the Indian service. ilt the present buildings of the Pipestone school, laid out the nds, opened up a farm of 200 acres, and collected in the children the scattered reservations in Minnesota. I was allowed to hold osition under the Democratic administration until the fall of 1894, ı, upon the recommendation of Inspector Province McCormick, I

was dismissed. While in what is called the classified list, I was dismissed from the service purely upon political grounds—simply because it was well known that I was a Republican—and there was no attempt at the time to disguise the reasons for my removal. That, according to civil service rules, I was unjustly removed and without cause, other than political, may be shown—

"First. By the report of Dr. Dorchester, Superintendent of Indian Schools, who visited me in the late fall of 1893, and reported very favorably on conditions and employees, myself included.

"Second. That in less than two months from the time I was removed from the superintendency of the Pipestone school I was reinstated in the service, and sent as principal teacher to the Chilocco school, Oklahoma, though at a reduction of $300 in salary. I remained at the Chilocco school until September, 1896, when I was promoted to the position of superintendent of the Pima boarding school at this agency, but not until after the position had been tendered to a Democratic friend of Commissioner Browning's, who refused it on account of the excessive heat here in summer."

I do not know that it is necessary to read anything more in the letter. That covers the point. However, I will read further:

"While superintendent at Pipestone I visited the different agencies of Minnesota and South Dakota, collecting children. I did all of my own clerical work, and am perfectly familiar with the Government system of keeping accounts. My cash reports on file in the Treasury Department will speak for themselves.

"During the eighteen months that I was in Oklahoma I visited the different agencies and schools, collecting Indian pupils, and have had excellent opportunities to gain a thorough knowledge of Indians and the Government service, and especially as it has been administered under the past Administration.

"I have not only been myself reduced in both rank and pay, but have seen many others suffer likewise. I have been obliged to work and bear with incompetent employees, because they were Democrats or related in some way to the heads of Departments. I have been a target for Democratic attack, and have been unable to bring many things to light that should be shown up, simply because I was a Republican, and only permitted by Democratic courtesy to hold a subordinate position in the service."

That is from Mr. Crandall. Here is a letter from another superintendent that I will read.

The CHAIRMAN. Give his name, please.

Captain PRATT. J. B. Brown, superintendent of the Pottawatomie school. It was written as a private letter to my assistant superintendent, Mr. Standing, at Carlisle, Pa. I telegraped Mr. Brown, and I have his permission to make use of the letter. It is as follows:

"DEAR SIR: No; not quite relieved, but transferred and reduced to $900. I am sorry to give a wrong impression, though it was not so far wrong. I can not know of all the influences that worked against me, but assume there was absolutely nothing against my record until I reported Dickson's brother-in-law for assaulting a virtuous and honest young woman. Agent J. P. Woolsey is without doubt the chief author of my undoing. Nothing could be dug up against the character of the woman making the charge, and she swore it in distinct terms. I had also some corroborating evidence. One witness testified that Bee, the industrial teacher reported against, had boasted of his ability and inten-

accomplish an immoral purpose with an Indian assistant. (About ırs ago this was done.) Another had overheard a part of one of acks and seen the girl crying as he left her. Since the investi- I have received an affidavit from a third witness who saw Bee mess kitchen with the girl, and the girl was angry and crying. stimony—except this last—is in the hands of the Indian Office. ey censure me as guilty of malice, etc.

oolsey and his gang have tried to ruin me and all who are my s. I have myself had great faith in Dr. Hailmann and signed a n for his retention. This was the only case in which I felt from ıal knowledge that he had made a serious error. I did not bring ıe-half I knew against Bee and his wife, thinking the one charge ent to remove him, and preferring to make a fight on a man r] than on a woman. Woolsey is thoroughly unprincipled and . scruple at nothing to accomplish his ends. I counted the prob- cost before taking action and have no apology to offer. I have te reasons for every statement.

could have remained at Ponca indefinitely if I had been willing nk at the licentiousness of the agent's friends. Woolsey and son of course must have used means unknown to me and probably owable. I am ready to answer anything at any time to anybody rning my actions in and out of this service."

e CHAIRMAN. Who is the agent referred to in that letter?

ptain PRATT. Agent Woolsey, who had charge of the Pawnees Poncas.

thank you very much for your interest. It goes pretty hard to be reduced when I had begun to hope for substantial promotion, and has been no time during my service when I tried so hard to do the t thing regardless of consequences to myself. My action was not n in any fit of anger or in resentment, but after two weeks of careful peration, during which time the conviction grew upon me that I t make a protest. I put up as good a fight as possible and thought d proven my case. Bee thought so, too, and had his goods packed ly to go.

"Very truly, yours, J. B. BROWN,
"*Superintendent Patto. School.*"

he CHAIRMAN. What did the agent to whom reference is made have lo with the enforcement of the civil-service law?

Captain PRATT. He is a part of the system, a part of the reporting, l would exert his influence, doubtless, with Dickson.

The CHAIRMAN. Who is Dickson?

Captain PRATT. Dickson is a special agent in the Indian service. has been in the Indian service three or four years.

Senator HARRIS, of Kansas. Coming under the civil-service rules ıd taken from the classified list?

Captain PRATT. I think not, sir. He is operating against those under ıe civil-service rules. I think he is confirmed by Congress and is not, ıerefore, a civil-service man.

Mr. PROCTER. He was not appointed through the civil service. He s one of the men appointed by the system that Captain Pratt is advo- ating.

The CHAIRMAN. Still is he covered up by the civil service?

Mr. PROCTER. He is not covered up, I suggest.

The CHAIRMAN. He may have a blanket thrown over him by it.

Mr. PROCTER. No; if he is guilty of delinquency, it is the duty of the Indian Office to remove him instantly, and there is nothing to prevent it.

The CHAIRMAN. Has he been removed?

Mr. PROCTER. I do not know.

Captain PRATT. No, sir; he is at a reduced salary.

The CHAIRMAN. He is still in the service?

Captain PRATT. He is still in the service—transferred at a reduced salary.

The CHAIRMAN. Has the matter to which you refer been called to the attention of the Civil Service Commission?

Captain PRATT. I know nothing about that. From the experience of those who have attempted to put their cases before the Civil Service Commission it is generally understood that it is perfectly useless to do that.

The CHAIRMAN. Do you speak of your knowledge there?

Captain PRATT. Yes, sir; I speak of my knowledge there.

The CHAIRMAN. I am asking you in regard to this particular case.

Captain PRATT. I know nothing about that, sir.

The CHAIRMAN. My object in asking the question was simply to ascertain what relation this person sustains to the civil-service law, if he sustains any relation to it. I did not understand how he could have any relation with the execution of the law.

Captain PRATT. Practically, under the orders of the governing, he is as much entitled to the protection of the civil-service law as anyone selected and appointed by the civil service, if I understand the matter aright.

Senator HARRIS, of Kansas. Do you understand that in your line of work there is anything in the civil-service rules or regulations that protects a vicious or incompetent man from immediate removal by his superiors?

Captain PRATT. Do you mean by his immediate superiors?

Senator HARRIS, of Kansas. Well, take a superintendent in charge of an Indian school, such as you have; he would have the right to remove any vicious or incompetent subordinate under him if he had obtained his position through civil-service examinations, etc.?

Captain PRATT. That is done by reporting them to headquarters.

Senator HARRIS, of Kansas. What are headquarters?

Captain PRATT. At the Indian Office; and sometimes it is carried forward to the Interior Department.

Senator HARRIS, of Kansas. It would be done through the usual process of removal?

Captain PRATT. Yes, sir.

The CHAIRMAN. In other words, I understand you to say that a superintendent has not the power of removal in any case?

Captain PRATT. No, sir; he has not.

Senator HARRIS, of Kansas. I suppose he would have that power in certain cases?

Captain PRATT. I have myself taken the position I have intending to exercise it absolutely for the benefit of my school, and if it resulted disastrously to me, all right.

Mr. PROCTER. Has not any superintendent of a school the right to suspend while waiting for authority from the Indian Office?

Captain PRATT. You mean just to stop the person's work and let him stay there?

Mr. PROCTER. To suspend.

Captain PRATT. Yes; I think so.

Senator HARRIS, of Kansas. To suspend, pending an investigation leading to removal?

Mr. PROCTER. Yes; the power of removal is with the Indian Office. As with all offices, the power of removal is with the appointing power, and there is nothing in the civil-service law that I know of which prevents the exercise of the power of removal for cause.

Captain PRATT. Oh, no.

Mr. PROCTER. And it is exercised?

Captain PRATT. Oh, yes; it is exercised very largely, as I have shown here.

Mr. PROCTER. Mr. Chairman, may I ask another question?

The CHAIRMAN. Certainly, ask Captain Pratt any questions you wish.

Mr. PROCTER. I understood from the tabulated tables which you gave last Saturday that one of your objections to the civil-service rules is that the power of removal is exercised too freely even under the civil-service rules, and that the force had been changed.

Captain PRATT. My object, as I stated, in presenting those tables was to show that the claims of civil-service advocates, that we were getting a more permanent and a better employee force, and that people were protected in their positions, was not true; that there were quite as many removals, and quite as disastrous removals, as under the old system. I believe that thoroughly. I know it; I was not making a comparison between the civil service and something else, but, as I stated, I was covering the points that I made outside of Government circles and in too.

The CHAIRMAN. Is there anything else that you desire to state?

Captain PRATT. I have nothing more, sir; I came here at your request.

The CHAIRMAN. Mr. Procter, do you desire to ask any further questions?

Mr. PROCTER. No; I have nothing further.

The CHAIRMAN. We will excuse you, Captain Pratt.

TESTIMONY OF W. N. HAILMANN, SUPERINTENDENT OF INDIAN SCHOOLS.

W. N. HAILMANN, being duly sworn, testified as follows:

The CHAIRMAN. State your residence and occupation, please, and then we shall be glad to hear any statement you may wish to make.

Mr. HAILMANN. I am a resident of Washington, and superintendent of Government Indian schools.

The CHAIRMAN. What experience did you have prior to your connection with the service of the Government?

Mr. HAILMANN. For forty-one years I have been a teacher.

The CHAIRMAN. Does that include your service as superintendent?

Mr. HAILMANN. It includes my service as superintendent. I have been a teacher all my life, except a short period during the war of secession, when I was connected with a regiment from Kentucky. Now, do you wish me to make a general statement?

Mr. PROCTER. I should like to know if you were superintendent of the schools of any State.

Mr. HAILMANN. I was not superintendent of the schools of any State. I was superintendent of schools at Laporte, Ind., for twelve years.

The CHAIRMAN. Not of an Indian school?

Mr. HAILMANN. No, sir; of a public-school system—the city schools.

The CHAIRMAN. How long have you been in charge of Indian schools?

Mr. HAILMANN. This is my fourth year. I began in January, 1894.

The CHAIRMAN. If you have any suggestions or statements to make with respect to the operation of the civil-service law in regard to Indian schools, we shall be glad to hear them.

Mr. HAILMANN. Well, Mr. Chairman, the operation of the civil-service law, so far as my experience goes, has been quite favorable to the interests of the service. It has been more particularly a benefit by preventing the removal of efficient employees without cause and the appointment of inefficient employees for patronage reasons. It has done much good in that direction throughout the service by serving as a barrier to the evils of patronage appointments. It has, during the last three and a half years and a few months, in all the positions which are under civil service, generated a degree of confidence among the employees which the superintendents at the various summer institutions tell me did not exist before—a degree of confidence with reference to tenure.

In order to show that this statement is based upon facts, I have, on the basis of Captain Pratt's tables, which were presented to you at your last session, prepared a few additional tables. Captain Pratt presented to you a table in which he counted the number of superintendents, matrons, and teachers in the service in 1892 and again in 1896, as well as in the intervening years, showing a gradual decrease in the number of superintendents who were in the service in 1892. He did the same with reference to matrons and teachers, and inferred from his figures that the civil service had accomplished no good results.

In the first place, it must be kept in mind that these persons—superintendents, matrons, and teachers—were placed under civil service in March, 1892; that consequently, during the first year (1892), which appears in his table, the civil service extended over only four months' period of employment of these people, and many of the superintendents listed by him were in the service only for a short period during the year 1892.

In the next place, his table does not offer any means of comparison. He does not compare this period of the beginning of civil service with a period in which there was no civil service. I have therefore corrected this, and prepared a table analagous to his for the same positions—superintendents, matrons, and teachers—during the previous period, from 1889 to 1892, when there was no civil service, with regard to these positions. I find the following:

In 1888 there were 92 superintendents. Of these names only 12 appear in 1892; that is 13 per cent of the entire number.

In 1892 there were 105 names of superintendents (I use Captain Pratt's figures here); only 26 remained in 1896, which is 25 per cent, or a gain of 12 per cent for the civil-service period.

Similarly, the table here shows a gain of 4 per cent—a very small gain—for the matrons' service.

With regard to teachers, there were, in 1888, 290. Of these names only 29, or 10 per cent, appear in 1892. That is the period when there was no civil service. In 1892 there were 319 teachers, and of these names 88, or 28 per cent (a gain of 18 per cent during the civil-service period), appear upon the table. I submit this table to the committee.

Table contrasting the stability of the service during the periods of 1888 to 1892 and 1892 to 1896.

	In service in 1892.	Remaining in 1896.		In service in 1888.	Remaining in 1892.		Gain for 1892-1896.
		Number.	Per cent.		Number.	Per cent.	
							Per cent.
Superintendents	105	26	25	92	12	13	12
Matrons	73	7	10	98	6	6	4
Teachers	319	88	28	290	29	10	18

With this contrast it is possible to gain some insight into the influence of civil service as to that period.

Again, Captain Pratt has given you a table in which a number of schools were named. The number of employees in 1892 receiving $400 or more was counted, and again in 1896 the same was done throughout. That table again is worthless for the sake of arriving at any conclusion for the following reasons:

In the first place, it does not compare this beginning civil-service period with the preceding patronage period when there was no civil service.

In the next place, in the employees receiving $400 or more it lumps those who are in the classified service, such as superintendents, teachers, and matrons, with others, such as assistant teachers, assistant matrons, farmers, and industrial teachers, who are not in the classified service.

The CHAIRMAN. Are not farmers and matrons classified?

Mr. HAILMANN. They are now. They have been classified since last May, but they were not during that period. They were not classified until last May.

The CHAIRMAN. I asked for information. I understand that they are now classified.

Mr. HAILMANN. Consequently the sins which may have been committed in the unclassified service are in this table charged, in the inferences, to the classified service.

I have tried to remove this omission by making a table of four of these schools. I have selected the four largest—that is, Carlisle, Haskell, Chilocco, and Genoa. I find that in 1888 there were at Carlisle 40 employees receiving $400 or more, and in 1892, 22 of these remained, or 55 per cent. In 1892 there were 52 employees receiving such salary, and of these only 21 remained in 1896, or only 40 per cent, which is a loss of 10 per cent during the civil-service period, and would count against the civil service so far as Carlisle is concerned.

At Haskell there were 42 in 1888. Of these 5 only remained in 1892, or 12 per cent. Of 42 employees in 1892, only 19 remained in 1896, or 45 per cent, which is a gain of 33 per cent for the civil-service period. Similarly there is a gain of 36 per cent for Grand Junction; there is a gain of 13 per cent for Fort Yuma; there is a gain of 23 per cent for Keam's Canyon; there is a gain of 6 per cent for Chilocco; there is a

gain of 5 per cent for Albuquerque, and a loss of 4 per cent for Salem. I submit this table to the committee:

Table contrasting the stability of the service during the periods of 1888 to 1892 and 1892 to 1896, respectively, in a number of instances, taken from Captain Pratt's tables on pages 246 and 247.

School.	Employees in 1888 receiving salary of $400 or more.	Remaining in 1892.		Employees in 1892 receiving salary of $400 or more.	Remaining in 1896.	
		Number.	Per cent.		Number.	Per cent.
Carlisle	40	22	55	52	21	40
Haskell	42	5	12	42	19	45
Grand Junction	26	1	4	18	7	40
Fort Yuma	11	3	27	18	7	40
Keams Canyon	12	0	0	17	4	23
Salem	31	4	13	32	3	9
Chilocco	29	1	4	29	3	10
Albuquerque	32	0	0	40	2	5

The only two schools in this table which lose are Salem and Carlisle. So far as Salem is concerned, local conditions would explain this loss. So far as Carlisle is concerned, I suppose it is possible Captain Pratt could explain the loss. But the fact remains that in a majority of the schools there is a vast gain for the civil-service period as compared with the patronage period immediately preceding.

A further analysis of Captain Pratt's table is the following: I have taken four instances of Captain Pratt's statistics—Carlisle, Haskell, Chilocco, and Genoa—and I have simply analyzed those with reference to this fact: How many of the people were discharged or removed or relieved, or, rather, how many disappeared from the list, because the manner of their removal from the list is not taken into consideration in Captain Pratt's list nor in his testimony, as you remember. I have tried to find out how many belonged to the classified and how many belonged to the unclassified service, and then the table will be of value to show with reference to the question as to whether or not the classified service has produced greater stability.

At Carlisle there were, in 1892, 52 teachers, receiving $400 or more. Of these, 21 were classified and 31 unclassified. In 1896 there remained at Carlisle 34 out of the 52. Of these, 14 were classified and 20 unclassified. The number of classified employees who have disappeared from the service is 8—38 per cent of the entire number of classified employees. The number of unclassified employees who have disappeared from the service is 18, or 58 per cent—20 per cent more. On the basis of the number of employees in the classified service, in the same way, I have analyzed Haskell, Chilocco, and Genoa, and I have in each case found a gain for the civil-service period, as follows: In Haskell 23 per cent of the classified service had disappeared from the list, and 52 per cent of the unclassified—a great gain for the civil-service period. In Chilocco there were 28 per cent of the classified service who had disappeared from the list, and 77 per cent of the unclassified. In Genoa 60 per cent of the classified service had disappeared from the list, and 100 per cent of the unclassified.

Mr. PROCTER. May I ask a question right there that I think will explain the matter more fully?

The CHAIRMAN. I suggest that Mr. Hailmann first conclude his statement and then you can ask him any questions you desire.

Mr. PROCTER. It was on that point; I do not think he made the statement clear. He spoke of those disappearing from the list, and whether in disappearing from the list many of these people ——

The CHAIRMAN. I suggest you had better let him make his statement and then cross-examine him.

Mr. PROCTER. Very well.

Mr. HAILMANN. I have simply taken the statement of Captain Pratt and analyzed it. I submit this table to the committee:

Analysis of four instances of Captain Pratt's statistics on pages 246 and 247 of the printed testimony.

School.	Employees in 1892—			Missing on list of 1896—			Classified employees out of service.		Unclassified employees out of service.		Difference in favor of classified service.
	Receiving $400 or more.	Classified.	Unclassified.	Total number.	In classified service.	In unclassified service until May 6, 1896.	Number.	Per cent.	Number.	Per cent.	
											Per ct.
Carlisle	52	21	31	34	14	20	8	38	18	58	20
Haskell	42	17	25	24	11	13	4	23	13	52	29
Chilocco	29	7	22	26	7	19	2	28	17	77	49
Genoa	29	10	19	29	10	19	6	60	19	100	40

The numbers given by Captain Pratt are not quite correct. The corrections, however, do not alter results materially.

With reference to the question as to what per cent of disappearances were in the classified and what per cent were in the unclassified service, Captain Pratt's statement becomes luminous by this analysis, and shows clearly in the light of this analysis that there was a great gain for the classified service in stability.

I have also prepared for the committee a statistical list which I believe will make the matter still more luminous. I have taken the civil-service period from 1895 to 1897. During those years the civil service was in full operation. I have omitted the fiscal year 1892 because during that year there were only four months of civil-service period. With 1893 the civil service had comparatively little influence—it was a transition period—and I felt it well to take the three last fiscal years, 1895, 1896, and 1897, to compare the character of stability. Another reason which induced me to do this was that these are the three years during which I was connected with the administration of civil service in the Indian Office, and I can therefore personally vouch not only for these numbers but also for the actions which were taken giving rise to these numbers.

In 1894 there were 89 superintendents on the list. Of these there remained in 1895, at the end of the fiscal year, 63. Two of these had been transferred or promoted, 5 had resigned voluntarily, and 19, or 22 per cent of the entire number, were relieved. In 1896 6 or 7 per cent of the entire number were relieved. In 1897 1, or only 2 per cent of the entire number, was relieved. This shows the percentages, and percentages alone are of value in trying to get at truths of this character. All mere figuring without percentages means nothing; it can not lead to truth. You see that in 1895 19 per cent of the superintendents of the previous year were relieved; in 1896 6 per cent, or 13 per cent fewer; and in 1897 1 per cent, or 5 per cent fewer. One per cent is almost absolute stability.

For matrons it does not make so good a showing. Of the matrons we have, in 1895, 11 relieved, or 12 per cent of the entire number. In 1896 10, or a gain of 12 per cent of the entire number; and in 1897 only 2 per cent of the entire number were relieved. Others disappear from the list, but they disappear through promotion to the position of teacher or to other positions, or through voluntary resignation. When I say voluntary resignation I do not use a technical term. I have placed all the involuntary or requested resignations into the column of reliefs, so that there can not be any doubt about the fact that the resignations which I have listed are strictly voluntary.

Of the teachers 11 per cent were relieved in 1895, 5 per cent in 1896, and 1½ per cent in 1897 up to the present time.

The same thing I have done for the sake of arriving at the truth in this matter with particular schools, and I have selected again from Captain Pratt's list, which he gave in an article in the Red Man, published, I think, in January—Haskell, Chilocco, Albuquerque, Genoa, Salem, Fort Shaw, Phœnix, and Santa Fe.

I find that the percentage of absolute stability in Haskell in 1895 was 86 per cent. In 1896 it was 82 per cent, which is a loss of 4 per cent. In 1897 it was 97 per cent, which is a gain over the previous year of 15 per cent, and approaches almost absolute stability.

In Chilocco we have absolute stability; 90 per cent in 1895, 97 per cent in 1896, and 100 per cent in 1897.

In Albuquerque we have absolute stability; in 1895, 62 per cent; in 1896 and 1897, 100 per cent. Nobody was relieved.

At Salem we have absolute stability; in 1895, 82 per cent; in 1896, 77 per cent, a loss; and in 1897, 100 per cent. The cause which produced that loss had been removed.

At Fort Shaw we had, in 1895, 90 per cent, and in 1896 and 1897, 100 per cent. Nobody was removed during those two years.

In Phœnix, during the entire three years, there was not a single removal; not one person was relieved.

At Santa Fe there was an oscillation. In 1895 we have the absolute stability of 100 per cent; in 1896 it is reduced to 83 per cent, and in 1897 it again rises to 100 per cent. I submit the tables to the committee:

Memoranda of statistics of Indian school service, showing increase of stability under civil-service rules, from 1895 to 1897.

Service at large.	Listed in previous year.	Remained on list.	Promoted or transferred to other positions.	Resigned voluntarily.	Relieved.		Died.
					Number.	Per cent.	
Superintendents:							
1895 (June 30)	89	63	2	5	19	22	.....
1896 (June 30)	86	71	4	4	6	7	1
1897 (Jan. 31)	93	81	a 7	3	1	2	1
Matrons (receiving $600 or more):							
1895 (June 30)	90	62	7	10	11	12	.....
1896 (June 30)	85	59	6	10	10	12	.....
1897 (Jan. 31)	93	77	9	5	2	2	.....
Teachers (receiving $500 or more):							
1895 (June 30)	370	298	17	16	39	11	.....
1896 (June 30)	412	363	9	19	20	5	1
1897 (Jan. 31)	404	376	7	15	6	1½	.....

a Five boarding schools were discontinued and organized as day schools, necessitating transfer to other positions.

Memoranda of statistics of Indian school service, etc.—Continued.

EMPLOYEES RECEIVING $500 OR MORE.

ecial.	Listed in previous year.	Remained on list.	Local stability.	Promoted and transferred.	Resigned voluntarily.	Position discontinued.	Died.	Relieved.	Absolute stability.
			Per ct.						*Per ct.*
.....	35	27	77	3	.....	1	.....	1	86
.....	38	29	76	2	.....	2	.....	2	82
.....	33	29	88	3	.....	.....	.....	1	97
.....	26	12	47	7	4	.....	.....	3	90
.....	30	24	80	5	.....	.....	.....	1	97
.....	32	26	81	5	1	.....	.....	.....	100
e:									
.....	21	8	38	8	2	.....	.....	3	62
.....	21	15	71	5	1	.....	.....	.....	100
.....	24	18	75	6	.....	.....	.....	.....	100
.....	22	8	36	9	2	2	.....	1	86
.....	18	10	55	4	3	.....	.....	1	95
.....	20	15	75	3	2	.....	.....	.....	100
.....	18	9	50	3	3	.....	1	3	82
.....	18	7	39	4	2	.....	1	4	77
.....	20	13	65	4	2	.....	.....	.....	100
.....	19	10	53	2	5	.....	.....	2	90
.....	20	17	85	.....	3	.....	.....	.....	100
.....	21	19	90	2	.....	.....	.....	.....	100
.....	16	12	75	1	3	.....	.....	.....	100
.....	12	11	92	1	.....	.....	.....	.....	100
.....	20	18	90	.....	2	.....	.....	.....	100
RECEIVING $480 AND OVER.									
.....	11	5	45	3	3	.....	.....	.....	100
.....	18	10	55	3	2	3	.....	.....	83
.....	15	10	67	3	2	.....	.....	.....	100

llowing statistics show with what success the Indian Office is in carrying out its policy to render the Indian self-educative:

e close of 1894 there were 56 Indians and half-breeds in the chool service receiving $480 and over per annum. At the close he number had increased to 79, and at the close of 1896 to 108, ase of 93 per cent.

e close of 1894 there were 145 Indians and half-breeds in the ervice receiving $300 and upward per annum. At the end of re were 186, and at the end of 1896 there were 234, an increase cent.

e close of 1894 there were 312 Indians and half-breeds in the ervice receiving $120 and upward per annum. At the close of number had increased to 371, and at the close of 1896 to 435, ase of 40 per cent.

statistics, Mr. Chairman, will show clearly what has been the f stability in the Indian school service under the operation vil-service law, and will also throw a clear light upon the fact factor of the civil-service law as administered has produced ults.

ld here again direct your attention to a few points which l rather queer to me when I read them in Captain Pratt's sta- resented in your report of last Saturday. I find that he men- Seger Colony school as an illustration of the fact that there no stability. It is on page 247 of the printed testimony, where

he mentions the Seger Colony school, with 3 employees whose salary exceeded $400 per annum. In July, 1891, this school was organized with these three employees, and those are named in the report. Of those 3 only 1 was subsequently placed under civil service. That was the superintendent. This person is still in the service. There is this one person belonging to the classified service now. At the time of the organization none of the employees were in the classified service, as I remarked.

Again, Captain Pratt mentions the Seminole school in Florida. All who are familiar with the Indian school service know that the term Seminole school is a mere euphonism. There is no Seminole school in Florida. There has been established a station, and in order to pay the expenses of the station from the school fund it is called a school. This was ordered for this reason: It was the purpose of the office to establish a school in the course of time at this station. The officials at the station up to this time have tried their best to attract the Seminole Indians to the ways of civilization, but with very poor success, and no school has as yet been established. At the time of the establishment of this station General Morgan was very sanguine, and he sent a full quota of school employees. He sent, I believe, 10, as was mentioned by Captain Pratt, but to-day there are only 3 retained. This would account for the disappearance of 7, by administrative reasons, and 2 of the 3 who are to-day in the service were in the service when the station was established. So you see, in the light of facts, the statement of Captain Pratt tells a very different story from that which he would have it tell.

He mentions the Santa Fé training school, with 23 employees, and then shows that they all disappeared. The Santa Fé school was practically discontinued in 1893. All of the employees disappeared because of the discontinuance. Many of them were transferred to other schools. Because of the discontinuance of the school, of course, the employees had to disappear. It was subsequently reorganized as a normal school, and its story of stability is told in the figures which I have submitted to the committee.

The abandonment of the Kiowa school in Oklahoma, which Captain Pratt mentions, also had been determined upon in 1895.

The CHAIRMAN. When was that school abandoned?

Mr. HAILMANN. In 1895 it was determined upon, and at the beginning of the fiscal year 1896 it was entirely abandoned. As soon as that determination was reached by the office the employees were gradually removed from that school—transferred and promoted to other places. They were taken care of; and of the 10 employees listed in the fiscal year 1896, receiving $400 or more, all but 2 are in the service now in other schools. Remember that of the 10 employees listed in 1896 all but 2, after its abandonment, are in other schools. The Pipestone school is mentioned by Captain Pratt. This was in process of erection in 1892, under the supervision of Superintendent Crandall. This superintendent, as you have learned from the letter just read, is still in the service at Pima. Of the 3 listed in 1892, 1 of the 3 employees whom Captain Pratt enumerates never entered the service at all, and the former does not appear in the next year. I do not know for what reason; I have not been able to find out.

Again, in the number of schools which Captain Pratt names on page 247, he gives higher numbers of employees than the facts warrant. As typical examples, he would mention the schools at Sisseton and Navajo.

in Pratt counts for Sisseton 19 employees receiving $400 or more. ese, however, when we look upon the records, we find that 3 were intendents, 3 matrons, 2 industrial teachers, 2 cooks, and 2 night men, and each of the 3 superintendents served for only a frac- of a year; that is, of the 3 superintendents, one began at the ning of the year, serving a few months, and another entered and d a few months, and then the third one entered and served a few hs. That was before the civil-service period, it ought to be remem- l. It was in 1892, and the civil service had not yet taken effect. fact is that there were at this school only 12 positions drawing or more, instead of 19, as Captain Pratt states, and of these 12 7 were in the civil service, and of these for only 5 is the civil- ce law responsible. Similarly, at Navajo Captain Pratt counts 20 ions. There were only 12 receiving $400 or more, and of these only 5 were in the classified service.

w, Mr. Chairman, I shall be pleased to answer any questions. I tried to show to you what the statistics of Captain Pratt contain. hese things I have tried to show to you are in his statistics, but were brought out. I have tried to bring them out by applying correct tific statistical principles.

e CHAIRMAN. Have you completed your statement?

r. HAILMANN. I have, so far as I am concerned, unless you desire to me some questions. I should like to say, perhaps, a few words with rence to the letters that were read this morning.

e CHAIRMAN. We shall be glad to hear you.

r. HAILMANN. I should like also, perhaps, to say a few things on ain general charges which Captain Pratt made in his last testimony. states that under the civil-service administration of the Indian Office ng the past year there were chiefly Democrats selected from the l-service registers. So far as the Indian service is concerned I have e the selecting, and therefore his charge is a personal charge against

have never at any time inquired into the political or religious status ny one of the names presented to me by the civil-service list. I e scrupulously destroyed occasional letters sent to me by Senators Representatives recommending certain persons who might appear re me. I have scrupulously destroyed those so that I might not, by simple fact that the letter was here, be induced, perhaps, to make ersonal appointment instead of an appointment upon questions of iency. I have in all cases carefully examined the examination ers which were submitted to me, and I have tried in the light of those ers to select the one of the three names that seemed to me best fitted the work. I may have made mistakes, blunders, errors of judg- t, but I have never in any way tried to circumvent the civil-service in the favor of any denomination or party.

Vhen I was called into the service I was called not on partisan grounds. as given to understand distinctly that I was not appointed as a tisan, but as a professional man. I owed the call which I received to any party affiliations, for I have never been an active partisan in direction. The recommendation was made to the President by Dr. rris, and he made the recommendation exclusively upon professional unds. I have conscientiously lived up to the charge which was placed my hands at the time, to administer the service without partisan or ominational influence. I think, therefore, that the charge made by tain Pratt is not well founded in any way, and I think that if the

committee were to investigate and look into all the various cases of appointments, they would find that the facts do not support him. Captain Pratt's statement is not an argument; Captain Pratt's statement is not a proof. The facts that I have brought before you here show that on the contrary Captain Pratt's statement legitimately proves the opposite of that which he wishes to convey. I would here strongly assert that the imputation which he brings in that charge is untrue. He claims that to his school 7 Democrats were sent. That may be true. If they were sent, it was an accident; there was no intention to do it; we did not know it. We never inquire at the office into their political status. It seems that Captain Pratt did. In doing so he failed——

The CHAIRMAN. Is it possible that members of one party can be sent exclusively; that is, that the list shall comprise the names of members of one party?

Mr. HAILMANN. No, sir; that is not possible under the civil-service rules. The names are selected in accordance with the percentage—those that have the three highest percentages.

The CHAIRMAN. After the names are sent, you have no means of discriminating?

Mr. HAILMANN. I have no means, and I scrupulously exclude every means of discriminating. I do not know, but lately at the change of Administration——

The CHAIRMAN. For instance, a list of three names is sent to you. Have you any means of ascertaining the politics of those men?

Mr. HAILMANN. I have means, but I would not use them. I might correspond with persons in the localities where those persons lived.

Senator HARRIS, of Kansas. But in mere personal contact I understand there is nothing?

The CHAIRMAN. Nothing appears on the face of the list?

Mr. HAILMANN. Nothing appears on the face of the list. It goes, of course, without saying that there is nothing on the face of the list, because the Civil Service Commission simply send the names. I have nothing but what is on the face of the list.

Senator HARRIS, of Kansas. And there is nothing in the records of the office?

Mr. HAILMANN. But it does not go without saying that the appointing officer, or the one who selects persons, might not make use of the means at his disposal for finding out the party to which the persons belong. I have means for finding out the party. I might write to the localities. But what I wish to say to you here is that this was never done, and that, on the contrary, everything that might show personal relationships or political affiliations, or religious affiliations, was carefully kept out of my office.

The CHAIRMAN. Suppose three names were submitted to you and you should have knowledge as to the politics of each individual, is there anything to prohibit you from selecting a member of your party or a member of some other party.

Mr. HAILMANN. Nothing except my conscience.

The CHAIRMAN. Nothing but your conscience?

Mr. HAILMANN. No, sir; and I think that with me is usually strong enough.

Mr. PROCTER. Does not your oath also, as an officer, prevent you?

Mr. HAILMANN. Well, my oath of course; but that is a matter which my conscience has to watch over.

The Captain, in his testimony to-day, brought to you two names, one Mr. Crandall and the other Mr. Brown. These gentlemen, of course, are

ty. In consequence of that I recommended him for the position
cipal teacher at Chilocco in order to given him a trial. He stood
al well, and was rewarded by the appointment of superintendent
Pima school. The fact that another gentleman was previously
l that position——

CHAIRMAN. Have you heard any complaint against him since he
en at Pima?

HAILMANN. No, sir; so far as I know he has done well.

ar as Mr. Brown is concerned, whose letter has been brought
you, Mr. Brown's case also was carefully inspected. The papers
ent to the office and conscientiously analyzed. It was determined
in the face of the evidence, that Mr. Brown had not been actuated
noblest motives in his act. His accusation against Mr. Bee was
oved in that way. On the contrary, Mr. Bee's innocence appeared
. But, however, in view of Mr. Brown's previous good service,
se which often is used in connection with Captain Pratt, as you
ber, he was retained in the service and his salary was reduced

CHAIRMAN. Have you had occasion to examine the blanks
ed by the Civil Service Commission for the examination of
ants?

HAILMANN. Yes, sir.

CHAIRMAN. Have you any suggestions to make as to amendment,
e you anything to say in regard to those blanks?

HAILMANN. Yes.

CHAIRMAN. We shall be glad to hear any suggestions you have
e in that respect, because it is one of the objects of the committee
h that point.

HAILMANN. I have made suggestions. I made suggestions to the
Service Commission when I entered my work. I found that the
nations, as they were then conducted, were not satisfactory; that
quired only into the scholastic attainments, and the immediate
stic attainments, of applicants; that the various subjects of exami-
were scholastic subjects—geography, history, grammar, etc.; that
h of those subjects a certain number of questions were asked,
nong the questions there was no logical connection whatever.

The CHAIRMAN. Does not that grow out of the fact that the inquiries now substituted are more practical in their nature?

Mr. HAILMANN. Of course. For instance, now, in a matron's examination, where formerly the examination was upon arithmetic, grammar, spelling, geography, and such things, the Commission has, upon my suggestion, abandoned that mode of examination altogether, and asks them questions about the management of the dormitory, the sick room, the kitchen, the dining room, and submits to them accounts of such a character as they use in their work. The consequence, as I was going on to say, is this: Formerly I received young graduates who had just come from the schools. They had the highest numbers. Now it is the experienced, older persons, who have the highest numbers. Consequently there has been a great change for the better in the character of the eligibles submitted to the office.

Senator HARRIS, of Kansas. Your statistics and arguments all tend to show increased stability in the tenure of office?

Mr. HAILMANN. Yes, sir; except in some individual cases.

Senator HARRIS, of Kansas. And that, as a whole, it is satisfactory, and that it affords a sense of security to the employee?

Mr. HAILMANN. Yes, sir.

Senator HARRIS, of Kansas. Does that also increase the efficiency of the employee?

Mr. HAILMANN. It does, in a marked degree. As proof of this I will say it has been my practice during the past year to call occasionally for samples of work from all the schools. I will examine the work, with the help of my clerks, and make such suggestions as I think will be helpful, and return the work to the schools.

Senator HARRIS, of Kansas. You think there is no tendency to relax efforts owing to that sense of security?

Mr. HAILMANN. No, sir; there is none, because they understand clearly that the civil service does not protect inefficient and negligent employees.

Senator HARRIS, of Kansas. And the stability comes from increased efficiency?

Mr. HAILMANN. Yes, sir.

Senator HARRIS, of Kansas. That is what you think is the result?

Mr. HAILMANN. I know it is the result. An additional proof of the fact that that is recognized in the service, I can submit to your committee next Monday resolutions which have been passed, say, for instance last year at the summer institutes, in reference to the influence of the civil service in the opinion of the employees who attended those institutes.

Senator HARRIS, of Kansas. Do you have any complaints from the superintendents as to the loyalty and subordination to discipline of their subordinates owing to the increased stability and the feeling that removal is beyond their immediate superiors?

Mr. HAILMANN. One complaint has come to me in regard to that from the superintendent at the Pipestone school in Minnesota, but from many other superintendents, from the superintendent of the Albuquerque school, from the superintendent of the Haskell Institute, from the superintendent at Chilocco, from Flandreau, and from a number of other schools where I have directly inquired of them what they think about its influence, I have replies, and they have said to me, "No; the civil service does not diminish the loyalty. On the contrary, it makes the employees base their entire hope as to their tenure upon efficiency,

y are, if anything different, more obedient to the requirements superintendents."

tor HARRIS, of Kansas. You think that on the whole the civil has not a tendency to produce a circumlocution-office condition gs?

IAILMANN. No, sir; not in the Indian school service.

CHAIRMAN. In regard to the examinations submitted to the nts, are there any other suggestions which you desire to make are they satisfactory?

IAILMANN. I would suggest that the Commission go on in the ay they have started to modify the examination.

CHAIRMAN. Do you think there is room for further improvement?

IAILMANN. In our work?

CHAIRMAN. In respect to the examination papers submitted to nts.

IAILMANN. There is always room for improvement. No thing is rfect; but I think the Civil Service Commission, according to my nce of the last two years, make improvements every successive

CHAIRMAN. You think they are ready and willing to receive tions?

IAILMANN. Yes, sir; and to carry them out, if they meet with pproval.

PROCTER. Is it not a fact that the Civil Service Commission itly called you in and asked you for suggestions as to the improve- f the examination?

IAILMANN. Yes, sir.

PROCTER. Do you remember that you ever made any suggestion rovement that the Commission has not adopted?

IAILMANN. I do not know. I know that, as to some important tions, there was considerable discussion, but it seems to me in l we always agreed about what should be done; that is, if my y serves me aright. I can not recall a single instance where we reach full agreement.

PROCTER. You have visited the Indian schools all over the y, and have talked to the superintendents and teachers?

IAILMANN. No; I have not visited all the Indian schools. The y is so extensive.

PROCTER. I mean in different parts of the country.

IAILMANN. Yes, sir; I have visited Indian schools in different f the country, and I have had talks, and I have corresponded e superintendents, and the summer institutes afford me an excel- portunity of conversation not only with the superintendents, h other employees.

PROCTER. Captain Pratt stated in his evidence last Saturday e superintendents, as a general thing, condemn the application of il-service rules to the schools. Has that been your experience e superintendents?

IAILMANN. I do not think that statement is warranted. I do nk it would be possible for Captain Pratt to prove it, whereas d be very easy for me to prove to the contrary.

PROCTER. In the examination papers, which are submitted to verything is excluded relating to the political beliefs of the ?

IAILMANN. I do not catch your question.

Mr. PROCTER. In the examination papers of the people, when the certifications are made, there is nothing that could inform a person as to the politics of the candidate?

Mr. HAILMANN. I have never found anything that would tend to do it.

Mr. PROCTER. If you should make a requisition to fill a vacancy, you would not know from what part of the country the papers would be sent you?

Mr. HAILMANN. When I make the application?

Mr. PROCTER. When you make a requisition to fill a vacancy at a given school you do not know, you can not know, what three papers will be sent you on certification?

Mr. HAILMANN. I do not see how I could know.

Mr. PROCTER. And the people might be widely separated, so that it is often not easy to make inquiry as to their political beliefs without delaying the appointment?

Mr. HAILMANN. Certainly.

Mr. PROCTER. And you always make your appointments——

Mr. HAILMANN. As soon as I receive the papers. I never inquire in any direction, because inquiry has been made before with reference to all the things I have a right to consider.

In regard to that question I wish to make a statement. All candidates for examination have their applications submitted to the Board of Indian Commissioners, and the Board of Indian Commissioners makes inquiry as to their character. The answers to the inquiries are returned to the Civil Service Commission and form a part of the application papers. So everything is done to ascertain the experience and general character of the person—all that can be found out—and all is excluded with reference to matters that should be excluded, as to politics and religion.

Mr. PROCTER. I should like to ask you if you do not think one of the most valuable lessons to be taught the Indian scholars is obedience to the laws of the United States?

Mr. HAILMANN. Well, yes, of course.

Mr. PROCTER. Do you not consider that it is subversive of such obedience if a superintendent of Indian schools should attempt to nullify a law of Congress——

The CHAIRMAN. It is suggested by a member of the committee that that is not a relevant inquiry.

Mr. HAILMANN. I do not suppose that has anything to do with civil-service matters.

There is one remark which I should like to make. I visited Mr. Procter the other day, and I wish he would make a statement as to the spirit with which I received his question. He asked me if it would be possible for me to find out what is the politics of the persons who were mentioned by Captain Pratt. Now, Mr. Procter, what did I say?

Mr. PROCTER. You said it would be possible, but that you had never asked the politics of an employee of an Indian school and you did not think it would be proper for you to make the inquiry; and I agreed with you that you were right.

I see in the report of the Civil Service Commission that by the first order of the President there was 626 people included in the school service, and that by subsequent orders in 1894 and 1896 there were 824 people included. The figures which were presented by Captain Pratt, as I understand you, did not take into account this later extension?

Mr HAILMANN. No, sir.

on the opposite side of the page something that I should have
which has a bearing on the statement made this morning.
HAIRMAN. You can proceed to state it now.
n PRATT. The paper which the stenographer has will show a
re [indicating] to indicate something on the opposite side of
, which should have been read.
ıitted to the committee the names absolutely of the people who
the service in 1892 and carried them out to 1896. That was
ıe last extension. It is not a question of figures. I presented
ıs here because I supposed the statement would be contradicted.
tables show also that there were in all 834 employees (the
ıioner just stated 824, but that does not matter) in the Indian
n 1892, receiving salaries of $600 and over per year. Of those,
t is, the superintendents and matrons and teachers, which were
in my figures—were under the civil service, but at the end of
l year 1896 only 121, or less than one-fourth, remained in the
-that is, of the civil-service protected people—while of the 337
er civil service 108, or nearly one-third, remained. So the
ıs not under civil service had the most secure tenure, and the
ıd figures will show that that is true, notwithstanding what
mann has said. That is all I care to say at this time.

GOVERNMENT PRINTING OFFICE.

TESTIMONY OF SHELBY SMITH.

BY SMITH, being duly sworn, testified as follows:

HAIRMAN. Where do you reside?
ITH. In Washington.
HAIRMAN. What is your business?
ITH. Compositor; printer.
HAIRMAN. Where are you employed at the present time?
ITH. I have been employed since Tuesday morning in the
ıent Printing Office. Before that I was in private offices in
of Washington.

Mr. SMITH. May 15. Mr. Procter made a statement, as follows:

"Mr. PROCTER. First a committee of the Columbia Typographica. Union waited on the Civil Service Commission and asked us to bring the matter before the President. They said that they wished the Printing Office classified; I believe they brought a petition. Afterwards a committee from the Printing Office, representing all the trades, waited on the Commission and asked that a rule be submitted to the President for classifying the Printing Office. That rule was prepared at the instance of the trades unions and the printers, pressmen, and bookbinders in the office, and carried to the President. As I remember, the President remarked, 'Well, if the trades people want it, I think we had better let them try it.'

"Senator ELKINS. President Cleveland?

"Mr. PROCTER. Yes.

"Senator LODGE. Did the printers' typographical unions favor the change?

"Mr. PROCTER. They not only favored it, but brought it about. It was not contemplated until it was brought about by the trades unions and the people in the Printing Office.

"Senator LODGE. On what ground?

"The CHAIRMAN. Do you mean the typographical unions of the country generally, or simply those in the District?

"Mr. PROCTER. We received petitions from typographical unions in different parts of the country, and particularly from several in Washington City."

Right there I will say that there is only one typographical union in Washington City. There never has been but one in this city. The International Union only charters one typographical union in any corporate city.

I think also that Mr. Procter must have been mistaken as to having received petitions from typographical unions outside of the city, for the reason that none of the craft papers published in the country has ever given any notice of such action, and I think they certainly would have done so had any typographical union in any outside city sent in a petition of that character.

"The CHAIRMAN. They were the principal movers in asking that the office be placed under civil service?

"Mr. PROCTER. Yes, sir.

"The CHAIRMAN. I thought so.

"Senator LODGE. The unions generally act together, do they not?

"The CHAIRMAN. Not altogether. I think there is quite a diversity of opinion on this subject.

"Senator LODGE. What was the ground upon which the printers based their request?

"Mr. PROCTER. The ground is better stated in the report of the committee of the Columbia Typographical Union, which I will give you, than I can state it."

I wish to state to the committee, as to the statement submitted by Mr. Procter from the report of the typographical union, that the report was prepared by a committee appointed by the president of the typographical union here in Washington, acting under a resolution of the union. The president was urgently requested by individual members of the union to appoint on that committee—the committee was composed of three members—one man who was not an employee of the Government Printing Office, and he declined to do so. He appointed as the committee which made the report that Mr. Procter submitted to you, three

mployed in the Government Printing Office, three men members e same political party as the president of the union, and three men were known to be advocates of civil-service reform, after having urgently requested to appoint one man who was employed in some te office in the city.

e CHAIRMAN. Where was the president employed at that time?

. SMITH. He was employed in the Government Printing Office. as an assistant foreman in the Government Printing Office at that , and is still.

enator LODGE. There is another point upon which I wish to ask a tion. If the examinations are unsuitable in any of the different es, is there anything to prevent a reorganization of the board by Public Printer and a change in the character of the examina- ?

Mr. PROCTER. Nothing, provided the Public Printer will nominate ons representing different political parties and people whom the mission believe are well skilled in their respective trades.

Senator LODGE. Why should politics enter into it at all?

Mr. PROCTER. Because the law requires that the board shall be com- d of persons representing different political parties.

Senator LODGE. Oh!

Mr. PROCTER. That is in the original law.

Mr. PALMER. May I ask the president of the Commission a question?

The CHAIRMAN. Certainly.

Mr. PALMER. As I understood the statement made by the presi- of the Commission, it was that the movement for the change of em in the Government Printing Office was made by the typograph- unions."

the plural.

Is that true?

Mr. PROCTER. Yes; by the typographical unions and committees esenting the employees in the Public Printing Office.

Mr. PALMER. Do you understand that the typographical unions ughout the country are in favor of this system as applied to that e?

Mr. PROCTER. Yes; I do.

Mr. PALMER. Do you not know that the International Typograph- Union at its last session, in convention, declared against it?

Mr. PROCTER. Yes; because the delegates of the Columbia Typo- phical Union had declared against it, which declaration was after- ds repudiated by a full meeting of the union in Washington City.

'Mr. PALMER. But as an international organization it is opposed to system.

'Mr. PROCTER. No; it first approved it. Then when those dele- es, as I say, went to the typographical union and made representa- ns which did not represent the Columbia Typographical Union, it eded from that position, after having advocated it?

'Mr. PALMER. And opposed it?

'Mr. PROCTER. And passed a resolution opposing it."

Mr. Procter states here that the delegates of the Columbia Union srepresented the union in the international convention. I was a del- ate to that convention from the Washington union.

The CHAIRMAN. State what you know in regard to the matter.

Mr. SMITH. The convention passed a resolution which the committee have if it desires, condemning the application of the civil-service es to the Government Printing Office.

The resolution referred to is as follows:

"Whereas it is one of the cardinal principles of trades unionism, to which the International Typographical Union has always accorded hearty allegiance, that every office should be open to every (or any) card holder, and that every individual member of a union shall have equal rights with every other member; and

"Whereas, since the Government Printing Office has been under civil-service regulations it has been demonstrated that under said regulations the local typographical union has practically lost all real control over the said office, both in the matter of admissions to the working force, the privilege of subbing and the enforcement of its scale of prices and trade regulations: Therefore, be it

"*Resolved by the International Typographical Union*, That the said civil-service system, as applied to the Government Printing Office, is hereby condemned, and that the International Typographical Union, and the individual members thereof, use their best efforts to secure the removal of the said civil-service regulations from the Government Printing Office, and the officers of the International Typographical Union are hereby directed to petition Congress and the incoming Administration to that effect."

The CHAIRMAN. How many delegates were you entitled to?

Mr. SMITH. This union?

The CHAIRMAN. Yes.

Mr. SMITH. Four. I was chairman of the delegation. There were three others. There was only one vote in the International Union opposed to the resolution condemning the system. There was absolutely nothing said in the convention as to the attitude of Columbia Union except the statement made by one of the delegates from this union who advocated the civil-service system, and he was the only man in the convention who voted against the passage of the resolution.

The CHAIRMAN. Please give us the total vote on the resolution.

Mr. SMITH. The vote was not taken by roll call. The total membership was 117.

The CHAIRMAN. Each delegate was entitled to one vote?

Mr. SMITH. Yes, sir. Washington City was entitled to four votes. Three of the delegates of the city requested to be recorded as voting in favor of the resolution.

The only statement made on the floor of the convention as to the application of the civil-service rules to the Government Printing Office was as it would affect the membership of the International Typographical Union outside of this city, and the action was taken by the convention absolutely without any consideration of the sentiment of the membership of this union employed in the Government Printing Office.

I simply desire to call the attention of the committee to the fact that the trades unions throughout the country are not in favor of the application of the rules to the Government Printing Office, and that Mr. Procter is misinformed on that proposition.

The CHAIRMAN. Did you pass a civil-service examination?

Mr. SMITH. Yes, sir; last September.

The CHAIRMAN. What was your average?

Mr. SMITH. 91.45.

The CHAIRMAN. Have you any recommendations to make to the committee with respect to the character of the examination to be submitted to the applicant?

Mr. SMITH. I would suggest that the scholastic examination be

lished entirely, perhaps, and the examination be made practical. reason for that is that an examination carried on clerically can not l fairly by applicants taking those examinations, for the reason that ian who is a printer and who has spent the best years of his life in printing business is accustomed to his work, and he is not accus- ied to being quizzed by a board of examiners. He sits down at a le with a list of questions before him, and he necessarily becomes vous, or a great many do. Some men do not, of course. I am con- ent that a good many people who took the examination at the Sep- ıber examinations of the Commission at the same time I did, are fully good printers as I am, or better printers than I am, and they passed below me in the examination. I know individual cases of men who ssed down to 82 and 83 and 81, who are fully as good printers as I am. o not think they had a fair deal, because they, for some reason other an lack of ability as printers, were unable to pass the examinations.

The CHAIRMAN. Can you give us the character of the examination?

Mr. SMITH. The scholastic examination is simple. The practical amination is fair, I believe. I have no complaint to make of it, except at a printer is liable to be attacked with stage fright when he goes to the examination room. I would suggest that if the Commission ould put up a half dozen type cases in the building somewhere, and ve the men a stick and a rule and a sheet of manuscript, and tell em to go to work, it would be a fair test.

The CHAIRMAN. That would be the best way, to give the applicant stick, and tell him to set up a stick full or a column?

Mr. SMITH. I think it would be better than the present way of con- cting the examination.

The CHAIRMAN. Is it your idea that it is best to have the civil-service les applied to the Government Printing Office, and to make the aminations as to compositors more practical in character?

Mr. SMITH. If the rules were modified I would not see any objection. hink if a practical examination of that kind were made, it would ssibly increase the efficiency of the service.

Senator HARRIS, of Kansas. You say if the rules were modified. hat do you mean?

Mr. SMITH. I mean the character of the examination.

The CHAIRMAN. You think a man should be examined solely with pect to the duties he is called upon to perform?

Mr. SMITH. Yes, sir. One gentleman who passed the examination the time I did refused to take the mathematical examination at all. said he was not up on mathematics, and he simply passed that eet and did not take that examination at all. I know him to be a st-class printer.

The CHAIRMAN. You do not understand that it is necessary for a an to pass a mathematical examination in order to be a printer?

Mr. SMITH. I do not know why it should be, but it is necessary.

The CHAIRMAN. He is required to do it?

Mr. SMITH. Yes, sir.

The CHAIRMAN. You do not think it is necessary?

Mr. SMITH. No, sir; I can not conceive of any occasion for passing a nathematical examination, although the Commission do require it.

The CHAIRMAN. Is there anything else you wish to state?

Mr. SMITH. That is all I care to say.

Mr. PROCTER. You are aware that the mathematical part, which is ery simple, is only weighted one point in the examination?

Mr. SMITH. I know the fact that a man must pass such an examination, and that he perhaps feels himself incompetent to pass it, has a tendency to unnerve him for the balance of the examination.

Mr. PROCTER. Do you know the character of Mr. Oyster, Mr. Marston, Mr. Hastie, Mr. Pierce, Mr. McNeir, and Mr. Sands.

Mr. SMITH. Yes, sir; I know Messrs. Marston and Oyster quite well.

Mr. PROCTER. Are they practical men?

Mr. SMITH. Yes, sir.

Mr. PROCTER. Would you not consider that they are competent men to advise about the character of examinations in the Government Printing Office?

Mr. SMITH. I think they would be entirely competent to advise as to the practical examination.

Mr. PROCTER. Do you not know that they have been brought into the consultation to advise about those examinations?

Mr. SMITH. I did not know it. I had heard that Mr. Marston had been connected with the matter in some way.

Mr. PROCTER. In your evidence you say that Mr. Procter has used the word "union" in the plural, and that no other unions have recommended the adoption of the civil-service rules. Are you aware of the fact that May 29, 1895, Chicago Typographical Union No. 16 passed the following resolution——

Mr. SMITH. What was the date?

Mr. PROCTER. May 29, 1895.

"OFFICE OF CHICAGO TYPOGRAPHICAL UNION, No. 16,
"*Chicago, May 29, 1895.*

"UNITED STATES CIVIL SERVICE COMMISSION,
"*Washington, D. C.:*

"Chicago Typographical Union at its last meeting adopted resolutions heartily indorsing the movement of District of Columbia Typographical Union to bring the various printing departments of the Government under civil-service rules.

"Esteeming it a most beneficent reform, I am instructed to urge upon your honorable body favorable consideration of the measure.

"Respectfully,

"JAMES GRIFFON, *President.*"

Mr. SMITH. I did not know that the resolution had been passed. I will state, if Mr. Proctor will permit me, that Mr. Griffon, who signed the document as president of the Chicago union, was chairman of the Chicago delegation at Colorado Springs and voted for the resolution, together with the other delegates from that union, three of them.

The CHAIRMAN. Are you aware of the fact that the International Typographical Union in 1878 passed a resolution—I will read the resolution.

"Whereas it is a matter of notoriety that very few printers can get employment in the Government Printing Office at Washington unless they have political influence and belong to the dominant party; and

"Whereas the International Union believes that workmanship should be the test in awarding situations, and not politics: Therefore, be it

"*Resolved*, That this body condemns the course pursued in awarding situations in the Government Printing Office, which office is within the jurisdiction of Washington Typographical Union."

Mr. SMITH. Yes, sir; I am also aware that that was twenty years

ago, and the gentleman who introduced the resolution, Mr. George, has declared since——

Mr. PROCTER. I will come to that.

Mr. SMITH. That he had no thought of it ever going under the civil-service law.

Mr. PROCTER. Are you aware that the Denver Union, in 1889, condemned the discharge of printers from the Government Printing Office for political reasons and requested Public Printer Palmer to conduct the Printing Office like private printing offices are conducted, irrespective of politics?

Mr. SMITH. Yes, sir.

Mr. PROCTER. Is it not true that as a delegate from the Columbia Typographical Union you told the committee that the objection to the office being under the civil-service law was that it interfered with the members of the union?

Mr. SMITH. Yes, sir.

Mr. PROCTER. Is it not true that when you returned, after a full discussion in the Washington chapter, a secret ballot condemned your action practically by favoring the application of the civil-service rules by a vote of 2 to 1?

Mr. SMITH. I think by about 2 to 1; and there is a statement I wish to make as to that point.

As to the membership in the Government Printing Office repudiating the action of the delegates to the Colorado Springs convention, I will say that out of 400 members of our union outside of the Government Printing Office, who had no personal, selfish interest in the matter, only 24 votes were found in favor of civil-service reform.

Mr. PROCTER. But on a private ballot there were 700 votes cast?

Mr. SMITH. In the Government Printing Office.

Mr. PROCTER. No, I am not talking about the Government Printing Office; I am talking about the union.

Mr. SMITH. I am talking about the members of the union in the Government Printing Office.

Mr. PROCTER. When a private ballot is taken no man can know anything about how persons vote.

Mr. SMITH. You are mistaken about that. The vote is taken by chapels, and the chapel in the Printing Office is counted and the chapels down town are counted.

Mr. PROCTER. I will file with the committee the entire evidence that the delegates from the Columbia Typographical Union and the delegates from different trades unions—from the foundry people, from the pressmen, etc.—called on the Civil Service Commission and requested that the matter be brought to the attention of the President. At the same time I will ask the committee to summon the men whose names I furnish as witnesses for the next meeting.

The CHAIRMAN. I wish to ask you one question, Mr. Smith. How many members of the typographical union in this city are employed in the Government Printing Office?

Mr. SMITH. About 850 to 1,000; somewhere between those figures.

The CHAIRMAN. Do you know anything about whether they are residents of the city, or do they come here from different States?

Mr. SMITH. They come here from different parts of the country. Of course, they live here during the time of their employment. I myself am a citizen of North Dakota, and not a citizen of the District.

Mr. PROCTER. When were you discharged from the Government Printing Office?

Mr. SMITH. The first or the second time?

Mr. PROCTER. The first time?

Mr. SMITH. Mr. Benedict discharged me on the 2d day of June, 1894.

Mr. PROCTER. And the second time?

Mr. SMITH. On the 21st day of December, 1895.

Mr. PROCTER. What was the cause of your discharge?

Mr. SMITH. The cause stated on the records of Mr. Benedict's office, as I have learned recently, the first time was for abuse to the Postmaster-General. I have not any personal recollection of what that abuse consisted. That is the record in his office. The second time was for the reason that I was reported by my foreman as being a discordant element in the division.

The CHAIRMAN. "A discordant element." What do you mean by that?

Mr. SMITH. Perhaps Mr. Baker can tell you what he means by it. It is his record.

The CHAIRMAN. You do not know what meaning they intended to convey?

Mr. SMITH. I do not know, really, what special significance was attached to it.

Mr. PROCTER. You were recently appointed upon certification by the Commission?

Mr. SMITH. Yes, sir.

Just a word further. I do not contend that the membership of the Columbia Union employed in the Government Printing Office is not in favor of the application of civil-service rules to the office. I know full well they are. But the trades unions of the country in general, according to my information, and I believe I am competent to speak on the question, are opposed to the system.

Mr. PROCTER. Can you give a single instance of a trades union, except where you, as a delegate, misrepresented the Columbia Typographical Union, taking action unfavorably?

Mr. SMITH. I have heard of such action. I have no absolute knowledge. I do not go chasing about the country inducing unions to take action of that kind, and consequently I have no knowledge except as information comes to me.

WASHINGTON CITY POST-OFFICE.

TESTIMONY OF THOMAS H. INGRAM.

THOMAS H. INGRAM, being duly sworn, testified as follows:

The CHAIRMAN. Do you live in this city?

Mr. INGRAM. Yes, sir.

The CHAIRMAN. I received your letter, in which you state that you had passed successfully an examination for employment in the city post-office, as a carrier, I believe——

Mr. INGRAM. Yes, sir.

The CHAIRMAN. And that they have refused to certify your name for appointment, or that you have not been appointed.

Mr. INGRAM. I took the clerk-carrier examination in February, 1896. I received a notification that I had passed successfully at an average of 80.15, 70 being the average at which your name goes on the list of eligibles.

The name stays on the eligible list, I understand, a year. On the

f January—eleven months afterwards—I received a notification he postmaster to come at once, my name having been certified he Civil Service Commission for appointment. When I went there r me, and seemed a little surprised. He asked me several ques- and he gave me to understand that in a few days it would be all

ınd out that there were four appointments after that, two with ıtages above me and two with percentages below me, one at a ıtage of 76 and one at seventy-nine and some hundredths. Of), I believed that appointments were made on merit, and I could ıderstand that. So I took my papers and mailed them to Post- r-General Gary, and I received an answer from the First Assistant ıaster-General, Mr. Heath, who stated, among other things, "I can ay that the matter of appointments is left entirely in the discre- f the local postmaster, under the rules of the civil service. No larity in your certification is found." If, after a person takes the nation and becomes eligible to appointment, it is left to the post- r, I could not understand where the civil service would do me good. I would not have taken the examination if I had known

ated in my letter to Postmaster-General Gary that of course I ome degree of intelligence, and I do not like the words "color or "negro discrimination," but I would leave the case with him. v this much: That if anything had been put in against my charac- hen Postmaster-General Gary and First Assistant Postmaster- al Heath went to investigate the matter it would have come to me in that letter. That would have been something.

ı CHAIRMAN. The postmaster seemed to be surprised when he saw

INGRAM. He said "Is this Thomas H. Ingram?" "Yes, sir."

ator ELKINS. Who is the postmaster?

INGRAM. J. P. Willett.

ıator ELKINS. Is he postmaster now?

INGRAM. Yes, sir; in this city.

ıator ELKINS. How long has he been postmaster?

INGRAM. He was appointed by Mr. Cleveland, I think.

ıator ELKINS. Is that the way he gets rid of colored people?

INGRAM. That is the way he got rid of me.

ıator ELKINS. You were not up on civil-service business. That is is the matter with you.

INGRAM. That is about the size of it.

ıator ELKINS. Why did you not go to the Civil Service Commis- ınd see Mr. Procter?

INGRAM. I understood from the letter that it was the rule of the service that the matter of appointments was left entirely in the ıtion of the local postmaster.

ıator ELKINS. If you will go to see Mr. Procter he can regulate or you.

PROCTER. No, sir; there is where some of these gentlemen find with the Commission. Captain Pratt, for instance, complains he appointing officer has no discretion.

ator ELKINS. If I were Mr. Ingram, I would go after you.

PROCTER. He does not realize that he has two certifications to ıt. He is entitled to three. He has had only one certification. ay yet be appointed by the postmaster.

ı CHAIRMAN. Suppose the year has expired?

Mr. PROCTER. If the year has not expired.

The CHAIRMAN. He is entitled to three within the year?

Mr. PROCTER. Yes, sir.

Mr. INGRAM. Ny name went off the eligible list a month after that, or a little after that time. There was another examination ordered in February. Mr. Willett did say to me, "Why do you not take the other examination and see if you can get at the top of the list?" I told him there was a colored fellow at the top of the list, and I had not heard of his appointment.

The CHAIRMAN. You were certified, and then he refused to appoint you?

Mr. INGRAM. Yes, sir.

TREASURY DEPARTMENT.

TESTIMONY OF W. W. WHITE.

W. W. WHITE, being duly sworn, testified as follows:

The CHAIRMAN. Where do you reside?

Mr. WHITE. My home is in Kentucky. I reside here at 623 L street northeast.

The CHAIRMAN. What is your present occupation?

Mr. WHITE. I am a lawyer.

The CHAIRMAN. An attorney at law?

Mr. WHITE. Yes, sir.

The CHAIRMAN. Proceed with your statement.

Mr. WHITE. I have been employed in the Treasury Department here, off and on, since 1876. I have been changed every time the Administration has changed. I was in the Treasury in 1885, and the 1st of August, 1885, I was notified that my services were no longer needed.

The CHAIRMAN. In 1885?

Mr. WHITE. Yes, sir. I asked what was the cause of my removal. They said I had some very good political friends. That is what the Third Auditor told me—John S. Williams.

The CHAIRMAN. What position did you occupy in the Department?

Mr. WHITE. A clerkship, a second-class clerkship.

The CHAIRMAN. In the Treasury Department.

Mr. WHITE. Yes, sir. I went to Mr. Higgins, who was appointment clerk at the time, and asked him what was the cause of my removal. "Well," he said, "you are a Republican." "Yes, sir." "Didn't you expect to go?" I said I expected the civil-service laws would be respected to some extent. That is all the information I got.

I had my papers examined in the appointment room there, and it seems there was on file there from the colonel of my regiment, who resides in my county—Manchester, Clay County, Kentucky—a note written to Mr. Durham, who was comptroller at that time, saying, "a gentleman by the name of W. W. White, who is very obnoxious to the Democrats in that county is in this office, and they would be very much pleased if he was removed." Pinned right on to that letter was the recommendation of the Third Auditor for my removal. I saw the Civil Service Commission, and that was all.

Mr. PROCTER. What year was that?

Mr. WHITE. 1885.

The CHAIRMAN. Did you call attention to the fact that you had been discharged for political reasons?

Mr. WHITE. Oh, yes.

The CHAIRMAN. Did they take any steps to investigate it?

Mr. WHITE. None at all. They said they would trump up charges.

The CHAIRMAN. They said what?

Mr. WHITE. They said the head of the Department would trump up other charges than those affecting political or religious matters.

The CHAIRMAN. That in their opinion it would not protect you?

Mr. WHITE. No, sir. I never heard of anybody whom it did protect yet, except to keep a man out. It does that effectually. It has just the reverse effect of what it was passed for, precisely. It was intended that a man should not be removed on account of politics or religion. A head of a Department who can not remove a man, when his politics or religion do not suit him, without mentioning politics or religion, is not competent to be head of the Department.

The CHAIRMAN. You were discharged?

Mr. WHITE. I was discharged again the 15th of last February, a year ago.

The CHAIRMAN. When were you employed again?

Mr. WHITE. The 1st of November, 1889.

The CHAIRMAN. You were again employed?

Mr. WHITE. Yes, sir.

The CHAIRMAN. In the Treasury Department?

Mr. WHITE. Yes, sir; reinstated.

Senator HARRIS, of Kansas. You got it on the other fellow.

Mr. WHITE. What other fellow?

Senator HARRIS, of Kansas. The man you turned out or displaced.

Mr. WHITE. I did not turn out anybody.

Senator HARRIS, of Kansas. I thought you said you had been reinstated?

Mr. WHITE. Yes, sir.

Senator HARRIS, of Kansas. Somebody had taken your place.

Mr. WHITE. I suppose so.

The CHAIRMAN. Were you reinstated to the same position?

Mr. WHITE. No, sir; they reinstated me at $1,200, and in a different bureau.

The CHAIRMAN. How long did you serve then?

Mr. WHITE. Until the 15th of last November, a year ago, when I was informed that my services were no longer needed again. I served longer the last time than I did at first; nearly three years, lacking about fifteen days.

The CHAIRMAN. Were any reasons assigned for your dismissal?

Mr. WHITE. The good of the service.

Mr. PROCTER. What bureau were you discharged from last?

Mr. WHITE. The bureau of the auditor's office for the Post-Office Department, and the auditor was Mr. George A. Howard, who testified here as to the political complexion of the bureau.

The CHAIRMAN. Please state your grade. Do they keep a register there?

Mr. WHITE. I was put in at $1,200 in 1889, the 1st of November. Then at what date I do not remember, Senator, but in 1890 I was promoted back to the grade I formerly occupied, $1,400. Then when the Administration changed, the first thing they did was to reduce me $400 at one crack.

The CHAIRMAN. I refer to your grade of efficiency. Do they keep a register of that kind?

Mr. WHITE. No, sir; they do not keep any register of the efficiency.

I do not think they have any system of any kind in there now. It will take the present auditor about a year to get straightened out.

The CHAIRMAN. They have no means by which they can ascertain your standing as a clerk?

Mr. WHITE. It is left to the chief of the division there. He can give me any rating he is a mind to.

The CHAIRMAN. He does give you a rating?

Mr. WHITE. I do not think he ever gave me any rating, at least I never received it. They do not have any system by which they have any rating there at all.

The CHAIRMAN. I did not know. I merely wished to ask for information.

Mr. WHITE. I do not think they have. I was promoted solely on my merit when I went from $1,200 to $1,400.

I went to Mr. Carlisle and asked him what was the cause of my reduction. I asked him if there were any charges made against me. He said "No." I said, "Do you reduce a man $400 at one crack just for fun?" He studied awhile. Well, he said he believed he did remember something about my case; that I had been drinking very hard and neglecting my duties. I said, "Mr. Carlisle, you can not produce your man who said that. I do not do either."

About that time Mr. D. G. Colson, my Member of Congress, was here stopping at the Ebbitt House. I had Mr. Colson go and ask them the same questions. He represented the Eleventh Congressional district at that time, from which I come. He went over and asked Mr. Carlisle, and he said neglect of duty and inefficiency, but he said the neglect of duty was the main thing. That old inefficiency business was played out. Then he came to me and he says, "Now, what do you think about my going to see the auditor?" I said, "That is the very thing to do. Just see how many different tales they will tell about the matter." He went to the auditor and asked if there were any charges against me, and he said "No." "Well, what was the cause of White's reduction?"

The CHAIRMAN. It is not competent to state what Mr. Colson said to you.

Mr. WHITE. I did not see the Auditor myself. The reason why I was proceeding to state that was merely to show the conflicting statements. But I can not state that?

The CHAIRMAN. No.

Mr. WHITE. I notice, from the report of the Secretary of the Interior, in response to a Senate resolution of April 9, 1894, asking for a list of appointments, promotions, dismissals, and resignations in the Interior Department from March 4, 1893 to April 19, 1894, that in that length of time there were 811 appointments made. I notice there were 105 made from Georgia. The Civil Service Commission can explain that. I do not know how it happened.

Mr. PROCTER. You will notice that those were in the unclassified service.

Mr. WHITE. Not all of them.

Mr. PROCTER. Most of them. At that time they were in the unclassified service.

Mr. WHITE. Eight hundred and eleven in the Interior Department unclassified?

Mr. PROCTER. Yes; messengers and watchmen.

The CHAIRMAN. How do you find it on your paper; were they classified, or not?

Mr. WHITE. Here is the statement. They are classified—$1,600, $1,200, $1,000, $1,800. They are all classified. This is full of them.

Senator HARRIS, of Kansas. How many of the 800 belong to that class?

Mr. WHITE. I have not made the calculation. I am sorry I did not make it, but you will see here, by running down the list, that more than half of them are in the classified service.

Senator HARRIS, of Kansas. Does that apply to appointments from Georgia?

Mr. WHITE. In proportion; that is, it has just as many in the classified service as in the other.

Senator HARRIS, of Kansas. So Georgia got her proportionate share?

Mr. WHITE. Yes, sir.

Mr. PROCTER. How do you know whether those were in the classified service prior to May 6?

Mr. WHITE. I know from the reading of the law of 1883.

Mr. PROCTER. I mean those positions.

Mr. WHITE. From the salaries they receive?

Mr. PROCTER. Salaries have nothing to do with the classification.

Mr. WHITE. Why do they not?

Mr. PROCTER. A messenger, for instance, who is unclassified, might get as high as $1,200.

Mr. WHITE. There are no messengers in the Interior Department who get $1,200.

Mr. PROCTER. Watchmen and messengers were not classified, no matter what they received.

The CHAIRMAN. The witness speaks of $1,800 and $1,600 positions.

Mr. WHITE. Yes, sir; $1,200, $1,600, $1,800 right along. Here are the figures in the report made by the Secretary of the Interior.

Mr. PROCTER. Let me see that. What page do you refer to?

Mr. WHITE. The first page. You can see them all along there.

Mr. PROCTER. You are reading from reinstatements.

Mr. WHITE. No, sir; I read from appointments. After you look at the first of the book you will find it.

Mr. PROCTER. These are reinstatements.

Mr. WHITE. Look at the first part of the book.

The CHAIRMAN. I suggest, Mr. Procter, that when a witness is being examined you let him make his statement and do not make any side remarks. That is improper. When the witness has concluded you can ask him any question you desire on cross-examination.

Mr. WHITE. In Mr. Howard's report, which he made here for you May 15, 1897, he states the appointments made in the Sixth Auditor's office——

The CHAIRMAN. Are those reinstatements or appointments?

Mr. WHITE. Appointments.

The CHAIRMAN. What page do you quote from?

Mr. WHITE. Page 131.

The CHAIRMAN. Confine yourself to appointments, because that is the most important.

Mr. WHITE. Appointments of Republicans, 80; Democrats, 151; total, 231. Eighty Republicans appointed in the Sixth Auditor's office. In removals, 60 Republicans and 18 Democrats. That is in the classified service.

The CHAIRMAN. With respect to the 800 list, to which you referred a while ago, Mr. Procter says the 800 to whom you referred were

reinstated and not appointed. How is that? What does your document show as to that?

Mr. WHITE. I have them marked. There were 811 appointments; not reappointments, but 811 clean-cut appointments. There were no reappointments about it. If you will look at the book you will see it.

The CHAIRMAN. Have you not a document to which you can refer to refresh your memory?

Mr. WHITE. This is a different one. This [exhibiting] is the statement of Mr. Howard. This [exhibiting] is the report of Mr. Carlisle in response to Mr. Grosvenor's resolution.

The CHAIRMAN. I suggest that we continue this matter until the next meeting of the committee, and in the meantime you can take this document and run over it and be prepared to make your statement, and then Mr. Procter will have an opportunity to cross-examine you.

Mr. WHITE. Very well.

At 12 o'clock and 10 minutes p. m. the subcommittee adjourned.

SATURDAY, *June 19, 1897.*

The subcommittee met at 10 o'clock a. m.

Present: Senators Pritchard (chairman), Elkins, Chilton, and Kenney; also, Hon. John R. Procter and Hon. John B. Harlow, members of the Civil Service Commission, and Mr. G. R. Wales, of the Commission.

TREASURY DEPARTMENT.

PRIVATE SECRETARIES OF AUDITORS.

The chairman laid before the subcommittee the following letter:

TREASURY DEPARTMENT,
OFFICE OF AUDITOR FOR THE INTERIOR DEPARTMENT,
Washington, D. C., June 16, 1897.

DEAR SIR: It is important that private secretaries who bear the relation of confidential clerks should be left entirely to the choosing of those who need or use such clerks. Under the law as it now is the clerks for Auditors for the various bureaus in the Treasury Department must be taken by detail from the classified clerks in the various bureaus.

We hope you and the Committee on Civil Service will make provision to exempt one of the clerks in each bureau from operation of said law and allow each Auditor to name his private secretary from whatever source he sees fit, or make special provision for such selection.

Very truly, yours,

WM. YOUNGBLOOD,
Auditor for the Interior.
ERNST G. TIMME,
Auditor for the State and other Departments.
W. E. ANDREWS,
Auditor for Treasury Department.

Hon. JETER C. PRITCHARD,
United States Senate.

GOVERNMENT PRINTING OFFICE.

ıirman laid before the subcommittee the following letter:

INTERNATIONAL TYPOGRAPHICAL UNION,
OFFICE OF PRESIDENT,
Indianapolis, Ind., June 2, 1897.

SIR: Having been informed recently (my informant failed to ils) that a statement was made before your committee to the t the Typographical Union was in favor of the application of ice rules to the Government Printing Office, I deem it my duty you of the facts. The International Typographical Union is l of about 40,000 journeymen printers, distributed among subor- ıions located in every city and town where printing business is ıt. Though doubtful if one has done so, a subordinate union ı taken some such action as my informant refers to, but in doing ounter to the expressed wish and command of the parent body, ply attested by the following resolution adopted at our last onvention, held at Colorado Springs in October, 1896 (sixteen fter the office had been placed under operation of the rules):

ı civil-service system, as applied to the Government Printing Office, is demned, and that the International Typographical Union, and the indi- ıbers thereof, use their best efforts to secure the removal of the said civil- ;ulations from the Government Printing Office, and the officers of the ıal Typographical Union are hereby directed to petition Congress and the ıdministration to that effect.

l reasons prompted the union to take this position, and I beg ulgence in order to recite some of the more important that ın advanced. It is held by many of those constituting the t element on this question that printers are "workmen" within ıing of section 7 of the civil-service law. Ultimately the legal must be decided by proper authority, but as the contention reasonable one to a layman's mind I submit it is worthy of the ıtion of your committee. While our members can not of neces- ersed in the art of construing language, it is equally true laws . for their government should be interpreted with a kindly ation for the meaning we attach to the phrases used.

ot the union's province or purpose to criticise or comment on service system generally, but it is of opinion the system is not for application to great productive concerns like the Govern- inting Office. Our organization has had a continuous exist- nearly fifty years, and in that time a majority of the largest t remunerative printing offices in the country have conducted chanical departments in agreement with our rules and regula- The great newspapers that are not now working in harmony can be counted on the fingers of one hand. True, the wages ɜd may be regarded by some as high, but the standard of ce and workmanship is not only high, but the highest. These able facts are, we think, sufficient answer to those who igno- enounce us as irreconcilables or exploiters, and should con- e most skeptical there is good reason for the above expression ivil-service rules, and some weight should attach to it.

ally we maintain that a system which has proven successful in printing offices can be applied advantageously in a public There may be justification for the application of civil-service

rules in such departments as require employees possessing peculiar abilities which the Government only has extensive facilities for developing, such as the specialists required by departments like the Weather Bureau, fish culture, and the collection of statistics, etc., but when the followers of a calling are widely scattered, and opportunities to acquire the trade offer themselves on every hand, the best results are obtainable, we submit, under the stimulus of open and fair competition.

As a practical printer, sir, you know that the "art preservative" is a progressive art, and also that the standard of skill varies according to localities. So rapid has been the progression in the larger cities it is safe to say many of those who five years ago were considered most desirable employees in news rooms are not now capable of holding a position. This is absolutely true in the case of such as have in the meantime been engaged in other pursuits or even at other subdivisions of the printing business and did not keep abreast of the mechanical improvements. This is due largely to the revolution in productive methods incident to the introduction of typesetting machines, etc., but the same is true in book and job offices in a lesser degree.

The printer who would display a job to-day as he did five or ten years ago could not retain his situation in a private institution. Nor would he have been retained ten years ago had he indulged in artistic typography such as is the present vogue. Not only do methods of production improve, but public taste changes so rapidly and frequently that with the up-to-date printer it is a ceaseless struggle to keep up with the procession. The effort to do so explains the large circulation enjoyed by the numerous periodicals and magazines devoted to the discussion of trade matters. It also explains the nomadic traits alleged to be characteristic of printers, as many travel over the country with the principal desire of perfecting themselves as workmen. When men are ensconced in situations permanently, or assume they are, and especially in large offices, there is little incentive to studiously follow innovations or utilize them, and consequently they begin to fall behind as workmen. It is unnecessary to discharge old and faithful employees in order to maintain a high standard of skill (such is not the purpose of our organization), but it is imperative that new situations and vacancies be filled with the best workmen procurable. They bring to the office fresh ideas as to methods and results, and their presence and work will act as a stimulus, which will be profitable alike to their fellow-workmen and the Government.

I have been credibly informed the civil-service rules are not conducive to the office being conducted on such a plan. If my information is correct, I venture the assertion they would not commend themselves to any of the large number of successful employers with whom I have come in contact. It is well understood in the printing business that there is a vast difference between the qualifications desired in an employee of a large office in one of the great cities and those necessary in the smaller offices and country towns. A most excellent workman in a large city might not be, and most frequently is not, profitable in a small office, and vice versa.

The Typographical Union, after over a years experience under civil-service rules, and under which from 1,000 to 1,200 of its members have been employed, is not of opinion the people's interests are being subserved by their application to the Government Printing Office; therefore it will exercise its influence to secure their abrogation and have the office placed upon the same basis as the most successful private

offices. Briefly, the union is of opinion better results would be attained by making foremen responsible for the quality and quantity of the output of their respective departments, investing them with authority to employ help at will and to discharge employees: (1) to decrease the force, (2) for incompetency, (3) neglect of duty, (4) violation of office rules, etc.

Yours, respectfully,

W. B. PRESCOTT.

Hon. J. C. PRITCHARD,
Senate Chamber, Washington, D. C.

TREASURY DEPARTMENT.

TESTIMONY OF W. W. WHITE—Continued.

The CHAIRMAN. At the last meeting, when the subcommittee adjourned, Mr. White was testifying, and it was agreed that he might continue his statement to-day. Proceed, Mr. White.

Mr. WHITE. Mr. Chairman, we were on the appointments and removals in the Interior Department during Mr. Smith's administration. You asked me if I knew how many there were. The clerks who were appointed there in the classified service were 983, which includes 811 appointments and 172 reappointments; added together, it makes 983 who were appointed from the 3d of March, 1893, to the 19th day of April, 1894. I find in that number there were 237 who were appointed in the Census Bureau. I take that number out, and it leaves 696. I find that in that number there were 282 appointed in the classified service, and in that number there are 22 from Georgia. Of the dismissals there were 973, and of that number 461 were dismissed from the Census Bureau, which leaves 512 not in the classified service, but in and out; and it turns out that there were 258 removed from the classified service and 254 from the unclassified service.

Now, we take up the report of Mr. Francis, which covers the whole period from March 4, 1893, until the 5th day of June, 1896. In that time there were 353 in the classified service removed; there were 301 in the unclassified service removed, making 654 in all.

Here are the resignations which are equivalent to dismissals: In the classified service, 296; in the unclassified service, 245; making 541 in all.

We have the ex-Union soldiers here classified in a different place. In the classified service there were 121 ex-Union soldiers; in the unclassified service, 95; resignations of ex-Union soldiers, 36 in the classified service; in the unclassified, 53; making in all 806 removals.

Now, shall I proceed with the report of the Secretary of War, or am I to be cross-examined on the Interior Department?

The CHAIRMAN. You are making the statement and you must use your own discretion as to what you shall testify.

Mr. WHITE. Very well; I will just go through with the War Department then. This is under House Document No. 178, Fifty-fourth Congress, second session. In the War Department there were 161 appointments from the 4th of March, 1892, until the 5th of June, 1896. Of that number there were 29 from the State of New York—about 18 per cent.

Mr. PROCTER. On what page of the document is that found?

Mr. WHITE. It is the second page, including the fourth—the sec-

ond and fourth pages. Of course it is badly gotten up. You have to look all through it to get at it.

The CHAIRMAN. What is the document that you are reading from?

Mr. WHITE. It is the House of Representatives document of the Fifty-fourth Congress, second session, No. 178.

The CHAIRMAN. Well, proceed.

Mr. WHITE. In this length of time, in the War Department, there were 298 removed; 79 ex-Union soldiers—26½ per cent of the number; resigned, 25 ex-Union soldiers; resignations 227; making in all 625 in the classified service in the War Department.

Mr. PROCTER. On what page is that found?

Mr. WHITE. I have made the calculation myself. It is all through the book. It is not given in any page in the book. The one from the War Department is very badly gotten up. There is no recapitulation about it at all. They commence at 1 and run up to 13, and on the same page commence at 1 and run to 3, and then commence at 1 and run 1, 4, 5, and 6, then commence at 1 and then run to 3 again. You have got to take the whole thing and count it up. You get at the classified service by putting at the head of the Department "classified service." There were 122 removals in the unclassified service.

Now, we take up this same kind of a document from the Secretary of the Treasury, House of Representatives Document No. 180, Fifty-fourth Congress, second session. I find in the report of the Secretary of the Treasury, in answer to the resolution of Mr. Grosvenor, that there were 726 appointments to the classified service from the 4th of March, 1893, until the 31st of October, 1896. I find that out of that number there were 501 appointed from the District of Columbia.

Mr. PROCTER. To the classified service?

Mr. WHITE. Yes, sir; that is, if the Secretary of the Treasury has not made a mistake. I find that there were from the District of Columbia and the 15 Southern States 80⅓ per cent of the appointments made to the classified service in that length of time.

I have here 25 confidential clerks appointed in the Treasury Department, and I find from the appropriation bills that there was no appropriation made at all except for 2 confidential clerks. I have the appropriation bill for the fiscal year ending June 30, 1894, and the one for the fiscal year ending June 30, 1896. I find from those appropriation bills that there was no appropriation whatever made for confidential clerks.

The CHAIRMAN. Is the authority for the appointment of confidential clerks confined to the appropriation acts?

Mr. WHITE. No, sir; not at all. I have them right here.

The CHAIRMAN. In other words, is the appointment of those clerks provided for by general law or is it provided for in the appropriation acts?

Mr. WHITE. I do not think they are provided for at all. As I can show——

The CHAIRMAN. I do not refer to the number appointed, but to the appointment of confidential clerks. You do not know whether they are provided for by general law or not?

Mr. WHITE. No, sir.

The CHAIRMAN. Well, you can proceed.

Mr. WHITE. In regard to the confidential clerk in the office of the Auditor for the Post-Office Department, S. I. Downs is the confidential clerk, at the rate of $1,800, April 28, 1894. That is on page 6. I find on page 35 that J. H. Allen is confidential clerk at $1,200 to the same

Auditor, Mr. Howard. That was July 26, 1895. I find that February 25, 1895, Mr. Allen is put down in this report as a $1,200 clerk and promoted to $1,400. He was J. Howard Allen, a nephew of the Auditor.

It seems that in this tabulated statement, made by Mr. Carlisle, there were 1,191 removals and resignations in the classified service. I find that the promotions in the classified service were 1,370.

I see in the statement of Mr. Howard, before this committee, on the 15th day of May, 1897, in a letter, I believe, written to the Secretary of the Treasury the 3d of March, 1897, he states that the work is up to date. He states that the complexion of the office politically is very largely Republican. As far as the work is concerned in the checking and assorting division there for the three months ending September 30, 1895, the money orders have never been assorted or put in numerical order at all. It will take 150 clerks three or four months to do it. They are right there; you can lay your hands on them.

As far as the political complexion of the office is concerned, Mr. Howard's census was taken after the election and mine was taken before. This is my understanding, from good authority, as to the political complexion of that Bureau: There is a chief clerk, who is Democratic; a disbursing clerk, ditto; and seven chiefs of divisions, ditto. In Class 4 there are 13 Democrats and 4 Republicans. In Class 3 there are 40 Democrats and 23 Republicans. In Class 2 there are 42 Democrats and 35 Republicans. In Class 1 there are 50 Democrats and 44 Republicans. In Class E there are 45 Democrats and 36 Republicans. In Class D there are 21 Democrats and 20 Republicans. In Class C there are 15 Democrats and 15 Republicans. In Class B there are 3 Democrats and 20 Republicans. Messengers, 2 Democrats; assistant messengers, 12 Democrats; laborers, 20 Democrats and 3 Republicans; making in all 278 Democrats and 200 Republicans.

Senator KENNEY. When were those figures made up? Are they brought down to the present time?

Mr. WHITE. I said that Mr. Howard made this report up to the 3d of March, 1897.

Senator KENNEY. The statement you make is made up to what time?

Mr. WHITE. October, 1896. The difference is that one is after the election and the other is before.

Senator KENNEY. Your statement was made before the election and Mr. Howard's after the election?

Mr. WHITE. Yes, sir; Mr. Howard's was made the day before the Republicans went into power.

Senator KENNEY. The day before he went out of office?

Mr. WHITE. Yes, sir; the 3d of March, 1897, is when he made this statement. The appointments in that Bureau from the 3d of March, 1893, to October 31, 1896, were 60 Republicans and 171 Democrats.

The CHAIRMAN. Well, Mr. White, we shall have to hurry along, as our time is limited.

Mr. WHITE. I am through.

The CHAIRMAN. Mr. Procter, do you wish to ask Mr. White any questions?

Mr. PROCTER. Yes, sir. Mr. White, in your statement about the removals from the Interior Department you stated that all the removals were from the classified service.

Mr. WHITE. I give the number there, showing how many.

Mr. PROCTER. Yes; the appointments to the classified service.

Mr. WHITE. I give the number.

Mr. PROCTER. Look at this page [exhibiting].

Mr. WHITE. Yes, sir [examining].

Mr. PROCTER. Do you mean that these were appointed to the classified service?

Mr. WHITE. No; not at all. I do not mean anything of the kind.

Mr. PROCTER. What do you mean?

Mr. WHITE. I mean the clerks there [indicating]. That is clear. I take it down; I take the clerks in the first column.

Mr. PROCTER. You take the messengers?

Mr. WHITE. No, sir; I do not speak of the messengers, because they were not in there. I take the Secretary's figures.

Mr. PROCTER [indicating]. Here is the salary of the private secretary at $1,800.

Mr. WHITE. I do not put him in at all.

Mr. PROCTER. Do you remember what was the total you put in as the number appointed to the classified service?

Mr. WHITE. You ought to be able to tell right there at a flash what belongs to the classified service and what does not, just the very minute that you look at it. But it seems you do not.

Mr. PROCTER. Now, what is the total?

Mr. WHITE. You have got Mr. Smith's report, have you not?

Mr. PROCTER. Yes.

Mr. WHITE. Run your eye down there and you will see the capacity in which they served, and you can undoubtedly find out who belongs to the classified service and who does not. The chairman asked me to do that, and now you ask me what it means. Run down the list there. There are all the salaries and the capacity in which they served. It shows me conclusively that they are in the classified service. If you will give me the one I have put in I will show you.

Mr. PROCTER. Mr. Chairman, if you will allow me to make a little statement without going through a cross-examination it will save a good deal of time.

The CHAIRMAN. I would suggest, Mr. Procter, that if Mr. White's statement is susceptible of an explanation the more orderly way to proceed would be for you to make a note of it, and when we come to your testimony we shall be happy to have you make whatever statement you wish on the subject.

Mr. PROCTER. Why not let me testify on this point just now?

The CHAIRMAN. It would encumber the record at present, and we prefer to take the testimony in logical order.

Mr. PROCTER. I understand it is the object of the committee to get at the facts.

The CHAIRMAN. That is exactly what we are trying to do.

Mr. PROCTER. I can show in five minutes that Mr. White does not know what he is talking about.

The CHAIRMAN. Very well. If you can do that when you are called to the witness stand, you will simply make the explanation you deisre.

Mr. PROCTER. I do not like to have the impression go out——

The CHAIRMAN. We prefer to let a witness testify in regular order.

Mr. PROCTER. Then I will cross-question Mr. White, if you will permit me.

The CHAIRMAN. We are very anxious to hear both sides, and the only orderly way in which to do it is to let a witness testify, and then when you come on the stand you can give your testimony in regard to the matter.

Mr. WHITE. I want it understood that I am not opposed to civil service at all, carried out impartially.

ROCTER. Mr. Chairman, I will then ask the witness a question.
ite, I have carefully gone over this statement you made up from
ort of the Secretary of the Interior, and I see that there have
noved from the classified and nonexcepted 165 persons. Do
w whether that is true or not?
'HITE. Yes, sir; I make it 512.
ROCTER. I do not mean removals, but appointments to the
d and nonexcepted places. The number is 165. I am under
nents now.
'HITE. What page is that on?
ROCTER. It is on page 13.
'HITE. There are 237, and there are 172 reinstatements.
ROCTER. And there have been appointed to the places unclas-
ider that list and excepted places 642.
'HITE. Eight hundred and eleven.
ROCTER. Six hundred and forty-two. Are you aware of the
t when these appointments were made which you call classified
tant messengers, messengers, skilled laborers, watchmen, and
the census people were classified; that that was not done until
s table was made out?
'HITE. Yes, sir; I understand that thoroughly.
ROCTER. Then as to the removals from the classified service,
l removals were 188. Those were removals from the service
classified at the time the removals were made, and 59 of those
s were made by legislative enactment and 28 by the expiration
s. Have you verified that?
'HITE. This report of Secretary Francis explains that exactly.
here—and I suppose this is where you get your information:
onnection with the removals, attention is invited to the fact that
red in the General Land Office on July 1, 1893, and 120 in the
Office on July 1, 1895, by reason of the reduced appropriations,
were in the Census Division subsequent to March 4, 1895, on
of completion of work. There are now compensating increases
umber of employees appropriated for during this period. The
g is a summary of the changes shown by this list."
akes a recapitulation here over his own signature of 353 in the
d service. That is all. If you will look at that you will see.
ROCTER. The removals are from the unclassified and excepted
this table. We have found that 957 removals were from places
classification; that they were from unclassified positions.
'HITE. Unclassified?
ROCTER. Unclassified. Of all the removals 957 were from the
fied service. Have you verified that?
'HITE. The Secretary of the Interior says there were but 654
nclassified and all. I give it to you just as the Secretary of
rior puts it.
ROCTER. Did I understand you to say that there were 298
s from the classified service in the War Department?
'HITE. Yes, sir; I suppose that is what I said.
ROCTER. Are you aware that the Civil Service Commission has
hat the removals from the War Department were not from the
d service; that they were less than 2 per cent from the classified

'HITE. Yes; but I do not know where the Commission gets its
rom.

Mr. PROCTER. The Commission has a record of the status of every man in the public service.

Mr. WHITE. The Secretaries ought to be able to give the number that has been removed, I think.

Mr. PROCTER. Are you aware that the Commission in its last published report——

Mr. WHITE. Yes, sir; 2 per cent and 50 per cent.

Mr. PROCTER. State that 2 per cent for all causes——

Mr. WHITE. In the District of Columbia here.

Mr. PROCTER. No; for all causes in the Departmental service.

Mr. WHITE. Is it confined to the District?

Mr. PROCTER. The Departmental service at Washington.

Mr. WHITE. Yes, sir; that is what I meant.

Mr. PROCTER. Two per cent have been removed from the classified service, and from the unclassified service it has amounted to 50 per cent; while in some offices it has amounted to as much as 86 per cent.

Mr. WHITE. If the statement of the head of the Department is to be counted for anything at all there has been over 10 per cent of the whole force in the District of Columbia removed from the Treasury Department alone. That is, if the statements of the heads of Departments go for anything.

Mr. PROCTER. Are you aware that most of those removals were from messengers, watchmen, and laborers not at that time classified?

Mr. WHITE. I take their statement. They say they were in the classified service. They must have known.

Mr. PROCTER. In the War Department what number of removals did you give for the Record and Pension Division which was on account of closing the work?

Mr. WHITE. I do not know how I put that. There are a great many of them who were not removed but who were sent to the Treasury Department. Some 40 or 50 were sent to the office of the Auditor for the Post-Office Department.

Mr. PROCTER. Mr. Chairman, I should like to make just one statement, which I think is due to the Civil Service Commission.

The CHAIRMAN. I must insist that we shall proceed in an orderly manner. The only way is to hear this witness. You can make notes as to his testimony and then we will give you full and ample time to be heard on each and every point with respect to the testimony of any witness. That is the only logical way in which we can proceed. Otherwise our hearings will lead to confusion.

Mr. PROCTER. I will merely say that the Commission has prepared a carefully tabulated——

The CHAIRMAN. We do not care to hear your statement now. We will hear you cheerfully later, and give you any length of time you desire. We shall have to hurry along with this evidence and take it as it comes, and you can cross-examine a witness or be heard in rebuttal or explanation, etc.

Mr. PROCTER. Mr. White, you say there were 1,191 removals from the classified service in the Treasury Department?

Mr. WHITE. Yes, sir.

Mr. PROCTER. Are you aware of the fact that all but less than 6 per cent of those removals were from positions which at the time the removals were made were not classified, but that many of them have been since included in the classified service?

Mr. WHITE. I take the statement of the Secretary of the Treasury. That is the way I get my information. He says they were in the classified service.

Mr. PROCTER. Will you please show me where he says that?

Mr. WHITE. Yes, sir; with pleasure. (A pause.)

The CHAIRMAN. Just read from the document; we can not take so much time.

Mr. WHITE. It is a tabulated statement. Here are the appointments in the classified service [indicating], 726. That is what he says there, "classified service."

Mr. PROCTER. That is "Army and Navy."

Mr. WHITE. The appointments for the Army and Navy are here [indicating].

Mr. PROCTER. I am talking about the Treasury Department.

Mr. WHITE. This is the Treasury Department. I am not going to mislead you. I would not do that for anything. Here is the Army and Navy, there in the last two columns [indicating]. Here is the list of those outside of the Army and Navy [indicating], and 501 of the 726 were from the District of Columbia, the Secretary says. Of course, I have to take his statement. That is where I get my information.

POST-OFFICE DEPARTMENT.

AUDITOR'S OFFICE.

TESTIMONY OF HENRY A. CASTLE.

HENRY A. CASTLE, being duly sworn, testified as follows:

The CHAIRMAN. Where do you reside?

Mr. CASTLE. My home is in St. Paul, Minn.

The CHAIRMAN. But at present?

Mr. CASTLE. At present it is Washington.

The CHAIRMAN. What is your business?

Mr. CASTLE. I am now Auditor of the Treasury for the Post-Office Department.

The CHAIRMAN. We shall be glad to hear any statement you wish to make bearing on the execution or enforcement of the civil-service law.

Mr. CASTLE. I have been requested to appear here—I do not know on what particular ground—but I can very briefly state my experience with the civil service.

I was appointed postmaster of St. Paul by President Harrison just a year before he went out of office—the 1st of March, 1892—and held the office until the 1st of November, 1896, four years and eight months. One year of that time was under Mr. Wanamaker as Postmaster-General, about two years under Mr. Bissell, and about two years under Mr. Wilson. During the whole of that period the civil-service rules and laws were faithfully enforced in that office, with the apparent entire consent of the authorities in Washington, and the question of politics was not raised, although it was well known that I was an active and enthusiastic Republican, and was holding office most of the time under the Democratic Administration.

About one month before I retired from that office, the first and only instance of partisanship occurred, which I considered a very flagrant abuse of the executive power, here in the Department. I recommended for dismissal a clerk in the office for what I considered good and valid reasons. I submitted the charges. They were sent to him in due course for explanation. So far as I know, he never made any explanation, but he went immediately to the Democratic member of the national committee from Minnesota and secured a letter from him,

which I presume is now on file in the Department, and on the strength of that letter the charges were dropped. I was notified that the Department had decided not to act in the case.

I appealed strongly for a chance to be heard and to prove my charges, but that chance was not given me, and my successor was appointed eight months after my term expired. The man is still in the service, and is now boasting that he not only had pull enough to prevent his own removal, but to secure my dismissal, which of course is not true, for my time had expired more than eight months before. That is the only case of partisanship in the course of the Administration, and, from my experiences in that office, I am satisfied that the postal service, as it has been administered for the past five years at least and is now being administered, is honestly carried out under the civil-service system, and that it would not be possible to maintain its present efficiency under any other system.

I have visited or conferred with the postmasters in ten or twelve of the largest cities in the country—New York, Brooklyn, Baltimore, Philadelphia, Chicago, Milwaukee, St. Louis, Omaha, San Francisco, and others—and I have found them invariably strong civil-service reformers after having had a little experience in the office. Although they all went in as I did, as active partisans on one side or the other, their experience has lead them to the conclusion at which I arrived—that honest enforcement of the civil-service laws is absolutely necessary to the present efficiency of the postal service throughout the country, and that for at least five years, which is as far as my experience goes, it has been honestly enforced.

I came here about a month ago, under an appointment as Auditor for the Post-Office Department, hoping and expecting to find the same admirable state of affairs in regard to the administration of the civil service which prevails throughout the city post-offices. Of course, I have not been here long enough to form definite, decided opinions, but from what I hear—and if one-quarter of what I am told is true—there has not been in the internal administration of the bureaus here, and especially of the bureau over which I now preside, an honest administration of the civil-service laws.

I do not think it is anything that the Civil Service Commission are responsible for or which perhaps they can control, because, so far as it is reported to me, it mostly concerns reductions and promotions of employees, in the way of reducing or increasing their salaries. I have given more than half my time since I have arrived here to a patient consideration of the complaints made to me by Republicans, mostly old soldiers, who claim that their salaries have been arbitrarily reduced and the salaries of Democrats correspondingly increased without any regard to efficiency. There are at least 150 of those complaints which have already been made to me, of which I have written memoranda, and I am proceeding with the investigation. I do not know that I can do anything to remedy the injustice.

The CHAIRMAN. Have you any suggestions to make to the committee in regard to the civil-service law as affecting your Department?

Mr. CASTLE. I have no suggestions to make in relation to my own Department, and I do not know how the law can reach the trouble, but there certainly is a very wrong state of public sentiment here among Department employees in regard to this matter. It is for your wisdom to decide whether it can be reached by law. It seems to be simply the result of the artificial political system here in this city, which does not prevail anywhere else.

The CHAIRMAN. What do you mean by that statement? Please explain it.

Mr. CASTLE. The clerks in all Departments here apparently rely more on their Representative or Senatorial influence than they do on their efficiency in retaining their positions or securing promotions. In the St. Paul post-office there are 200 employees. Although I was there nearly five years, I did not make a single promotion or reduction on political grounds, and I was not requested to do so in a half dozen cases. I have been here a month, and I have had at least 100 requests from Senators and Representatives to promote their friends.

The CHAIRMAN. Is it possible to do that under the civil-service law, as you understand it?

Mr. CASTLE. It is possible to do it, but it is not right. It is not carrying out the spirit of the law.

The CHAIRMAN. I mean is it possible if you carry out the law?

Mr. CASTLE. No, sir; it is not an honest enforcement of the law.

Senator ELKINS. Would not that be an incident almost to any change of Administration?

Mr. CASTLE. I think it would be under the present state of public feeling here. If we could once get the employees to feel that their tenure of office is based on their efficiency and get the Senatorial and Representative question out of their minds there would be a good deal better service here, and the bureau officers would have a good deal more time to attend to their legitimate duties.

Senator ELKINS. Do you not think that a Senator or Member is powerless against the law, just as is anybody else? Why should you pay any attention to a Senator's request.

Mr. CASTLE. I have to listen to them respectfully.

Senator ELKINS. Of course you do, but you do not have to do what they want.

Mr. CASTLE. I have not yet carried out their views.

Senator ELKINS. That is right; stand them off.

Mr. CASTLE. But it seems to me it has a demoralizing influence on the employees.

Senator ELKINS. Do you not have some little sympathy with the Senators and Members who have to sign papers on street corners, and wherever they may be found?

Mr. CASTLE. I have.

Senator ELKINS. I think it is due to the change of Administration, and not to any particular fault of the civil-service law. It merely grows out of the change of Administration.

Mr. CASTLE. A false sentiment prevails in the city.

Senator ELKINS. It is human nature. A clerk wants to better his position if he can. I do not blame him if it is fair. If he has any Senatorial influence, he wants to invoke it.

Mr. CASTLE. The fair way is to get up on his merits.

Senator ELKINS. It is the fairest way.

Mr. CASTLE. Take a bureau officer, and before he has been in office twenty-four hours he has requests from a dozen Senators to push up their friends. I call that a false system.

Senator ELKINS. I have not been there.

Mr. CASTLE. We will be glad to see you, Senator.

Senator ELKINS. We civil-service supporters stand by the system.

The CHAIRMAN. Is it not a fact that a good many of the letters you receive—I do not know how it is—are in regard to men who were dismissed under the former Administration—old soldiers, I mean, and others?

Mr. CASTLE. A few of them. Not very many are in regard to men who have been dismissed, but most of them are in regard to men who have been reduced.

The CHAIRMAN. They want them promoted?

Mr. CASTLE. They want them put back where they say they belong. Probably they do belong there, but to put them back without doing injustice to somebody else is the problem.

The CHAIRMAN. That is entirely within the discretion of Bureau officers.

Mr. CASTLE. It is within the discretion of the Secretary of the Treasury, on the recommendation of the Auditor.

Mr. PROCTER. Under rule 11 of the new revised rules the President has ordered that regulations to govern promotions shall be formulated by the Commission, after consultation with heads of the several Departments, bureaus, and offices. Do you think it is possible in your Bureau to formulate promotion regulations which will cure the evil to which you have just called attention?

Mr. CASTLE. I have been trying to think up some regulation, and I have not been able to find any. I think the fault lies in the pressure from the outside, which seems to be a necessary adjunct of administering affairs at the seat of government.

Mr. PROCTER. Until such regulations are formulated, you consider that it is a matter wholly in the Department; that the matter of promotions is one with which the Civil Service Commission have nothing whatever to do.

Mr. CASTLE. So far as I am informed they are not consulted.

GOVERNMENT PRINTING OFFICE.

TESTIMONY OF C. P. RHODES.

C. P. RHODES, being duly sworn, testified as follows:

The CHAIRMAN. Where do you reside?

Mr. RHODES. I am from Ohio. I reside now in Washington.

The CHAIRMAN. What is your occupation?

Mr. RHODES. I am a printer, but I am at present employed on the laborers' roll of the Government Printing Office.

I took the civil-service examination on the 24th of March, and the only thing I could get, outside of the classified service, was a laborer's place pending the examination of my papers. The papers have been lying in the hands of the Civil Service Commission now for nearly three months—it will be three months next week—and the rating has been on those papers for two weeks. Still I have not been notified, after going to the Commission's rooms four times to ask for it. In their book of instructions they state that as soon as the rating is ascertained the applicant will be notified by mail.

The CHAIRMAN. How do you know that the rating has been made? Do you know that fact of your own knowledge?

Mr. RHODES. I will tell you how I got it without a man giving it to me. I went to the Commission and asked for my rating, and an officer of the Commission went out to look at my papers. He came back with the rating of three men on the paper. I read it through the paper upside down while I was talking to him.

I served an apprenticeship setting type on a newspaper at the age of nine years. I served over four years' apprenticeship under one man

and over ten years as journeyman under the same man. I worked nearly five years under the Harrison Administration at the Government Printing Office in the piece department. That department had charge of the hurried court work. Many times we have got a piece of work in there ten minutes before quitting time, and worked overtime in order to get it out by 9 o'clock at night. Then, before Mr. Palmer went out, we had a great amount of that work and there were a good many Democrats appointed in the office through Democratic influence at that time, and the printers' union appointed a committee to look into the competency of each of those appointees. I was then chairman of the division in which I was working. After the committee in some cases had watched a man set type, looked at his proof sheets, they came to me before they made a report to consult me as to whether they had better turn him down or not. That is the language they used. In other words, I thought they were not sure of their competency, and we had a good deal of trouble in that division in correcting proofs by these men.

I do not think the civil-service examination, since the office has been put under the civil service, is practical at all.

The CHAIRMAN. In what respect?

Mr. RHODES. I do not think, in the first place, that you can examine a compositor on paper and find out his fitness to set type. I will say, however, that I think I have taken five civil-service examinations since the law was enacted, only one of them for the Printing Office—the last one. The reason why I do not think it is practicable is because I think you have to put a man at a case and give him a stick and some type to set in order to test his fitness.

In substantiation of that statement I will say that I honestly believe I could take a dozen boys out of the high school in Washington and let them read up for one week on the proof-readers' marks in Webster's Dictionary and let them pass with a grade above 70 in the printers' examination—the same examination I took—none of them ever having been in a composing room.

Another thing that is not practical is, that the examination does not include what a man is required to do when he goes into the Government Printing Office. For instance, if I were to get a grade of 98 in this examination, they do not ask me one thing about or examine me on make-up or imposing or anything of that kind. They do not give me any practical test. The only practical test is the questions they ask in regard to correcting proof and marking out on the paper the way with tabulated statements; tables, they call them.

I understand from the statement made by Mr. Procter, I believe two weeks ago to-day, that Mr. Oyster, Mr. Marston, and several others employed in the Government Printing Office had a good deal to do with formulating the questions put by the Civil Service Commission. Those men are all Democrats.

Mr. PROCTER. Is Mr. Marston a Democrat?

Mr. RHODES. Yes, sir; I consider him a Democrat. He held a high preferred job all the while under Mr. Benedict's time, and I think it is a one-sided board to form the questions.

Another thing. On the 15th of February of the present year this board formed the formulated rules down there. The Public Printer presented them to the Commission. They are called the rules for promotions and demotions. Those rules require the Public Printer to make promotions after a man has been in the office for over six months. Now I consider that a scheme to force the new Public Printer to select his foremen from the Democratic ranks of the office. If he wanted to put

me into a foremanship to-morrow and I had the grade of 98 he could not do it. He would have to put me at the case and put a Democrat in as foreman and keep me at the case six months.

The CHAIRMAN. Who formulates those rules?

Mr. RHODES. They have been signed by the Public Printer and attested by the Commission, I think.

I believe the only way to get a practical examination in the Government Printing Office would be to let the Public Printer, Mr. Palmer, who has had years of experience in the printing business and knows all about the workings of the office, in conjunction with Captain Brian, who is as good a printer as there is in the office, and who has been holding the foremanship of printing there for years, and the chief clerk, Mr. Collins, judge as to a man's competency. There are now in the neighborhood of eight or nine hundred men whom all three of those gentlemen know from practical experience in the five years they worked in the office. Some of them worked nine years. They know their competency, and these men are walking the streets to-day, and it is impossible to get them in because they can not pass the scholastic examination. Of course I do not consider the examination——

The CHAIRMAN. What part of the examination do you object to particularly? We should like to have any suggestions you care to make in regard to that point.

Mr. RHODES. In the first place, I do not think a printer has necessarily to know anything about working arithmetic examples. I worked all five of the examples, but I know men down there who can set more type in a day and get along with their work right along better than I do, so far as competency is concerned—I do not mean to say I can not hold my own with the printers in that office, but I consider that there are printers in there who are better qualified than I am—and it would be impossible for them to work those arithmetic examples.

The CHAIRMAN. What were the examples—in percentage, or what field of arithmetic?

Mr. RHODES. Some of them were in proportion, some in addition, some in multiplication. I do not remember the exact character.

Then, in the examination in March we had twenty abbreviations. Of these abbreviations—I think there were twenty—I could pick out about nine that pertained to work in the office. The other eleven abbreviations you never handle in the work of the office at all. I do not consider them practical.

Another thing. I do not think the civil-service law has been carried out in any of the departments for the purpose for which it was enacted. In other words, there has been an underground railroad by which some people have got in. I have the name of a man, A. E. McLaughlin, from my county, now employed in the Pension Office. He took the examination in March, 1886, I believe it was, or April, and I took the same examination. I got a grade of 86 and a fraction. He got a grade of 75 and a fraction. I went home and waited for the Civil Service Commission to notify me to go to work. Mr. McLaughlin got James E. Campbell, who was then in Congress, and Senator Voorhees, of Indiana, to get him into the Pension Office. He was certified and put in there.

Mr. PROCTER. Did both of you take the same examination?

Mr. RHODES. We did not take the examination for the same place. He took it for special pension examiner.

Mr. PROCTER. What did you take it for?

Mr. RHODES. I took the copyist examination. I was speaking of my

remaining on the register a year and being dropped without an appointment and he getting political influence and getting in right after he took the examination.

The CHAIRMAN. How long after he took the examination was it until he was appointed?

Mr. RHODES. I do not know exactly. I can not give the date of his appointment.

The CHAIRMAN. Was it a month or a week?

Mr. RHODES. It was longer than that; it was some months.

I wish to refer to my father's case. My father went to Cincinnati, Ohio, in July, 1885. He took the civil-service examination there for proof reader in the Patent Office. He is a practical printer. He got a high grade. I do not remember the exact rate. He was appointed in September, 1885, to read proof in the Patent Office on specifications. He remained there until October, 1893. During all those years he was rated high, and I believe they had a system of rating there on paper. I think he got 98 for efficiency. He was dismissed in 1893, a month before the election.

The Democratic Congressman received a letter from home stating that if my father was not dismissed, with some others, they would not vote the Democratic ticket. His dismissal was dated the 28th of October. The election was on the 3d of November. Opposite his name, after serving all those years and getting so high a rating, was the word "inefficiency" marked.

Now, when the Commissioner of Patents, Mr. Butterworth, came in, he undertook to reinstate my father. He sent over to the Commission, and I believe, among other things, he was required on the printed blank, under the proper heading, to explain the cause of removal. As I understand, he wrote on the sheet that the word "inefficiency" was incorrect, and signed his name officially as Commissioner of Patents. There was a vacancy in a $900 place. He had had $1,200. They were going to put him in at $900, and the vacancy was held open for him. The Civil Service Commission held up his case about three weeks and a half. The stenographer of the Commissioner of Patents informed me that they got notice from the Commission——

The CHAIRMAN. What the stenographer informed you would not be competent.

Mr. RHODES. I will state what the Commission informed the Commissioner of Patents. They informed him enough to give him the inference that they had decided not to certify my father.

The CHAIRMAN. Let me see if I understand you. You mean to say the Commission ruled that inasmuch as he had——

Mr. RHODES. They ruled that the present Commissioner of Patents——

The CHAIRMAN. Hold on a minute. Do you mean to say that the Commission ruled that inasmuch as the former Commissioner of Patents had marked opposite your father's name the word "inefficient" or "inefficiency," it was sufficient cause for not reinstating him? Is that what you mean to say?

Mr. RHODES. Yes, sir. They informed him that they would accept that from ex-Commissioner Seymour, who is now a private citizen in New York, and would not accept it from Benjamin Butterworth, signed officially as Commissioner of Patents. They went ahead and filled the $900 vacancy.

Now, after the vacancy is filled, they certify my father to the Secretary of the Interior. That is the way his case stands. I make this

statement of his case to show that the Civil Service Commission at present can help a man in keeping him out and can not help very much in getting him in.

Mr. HARLOW. May I have the privilege of saying something at this point in regard to Mr. Rhodes's case?

The CHAIRMAN. I would suggest that you make a note of it, and we will be glad to hear you later in regular order.

Mr. HARLOW. It will take but two minutes to state it.

The CHAIRMAN. You may ask the witness a question.

Mr. HARLOW. Has your father explained at all to you why the case was held up at the Commission?

Mr. RHODES. I have tried to make it clear why they refused to certify him.

Mr. HARLOW. Has your father stated to you why it was held up?

Mr. RHODES. I do not remember that he has. I got my information from the officials in the Commissioner's room at the Patent Office.

Mr. HARLOW. I wish to know whether your father stated the reason to you.

Mr. RHODES. I do not think he has.

Mr. HARLOW. You can not recall?

Mr. RHODES. He has talked with me about his case, but I do not know that he has explained that point.

Mr. HARLOW. Has not your father informed you that inefficiency is not considered a delinquency, unless it was actual worthlessness; and has not your father informed you that we were trying to correct that, if we could, and that if we found that it was not inefficiency, but inability, he would be certified.

Mr. RHODES. No, sir; my father has not informed me of anything of the kind. I do not see how they can go ahead after one works eight or nine years, every day, and then find out in a couple of days that he is inefficient.

Mr. PROCTER. I think you said you could take a boy out of the high school and in a few days coach him so that he could pass the examination. Are you aware of the fact that no man is admitted to the examination for printer until he has served an apprenticeship of five years?

Mr. RHODES. I am aware of it, and that is just exactly the reason why I made the point. I think the Public Printer and the chief clerk and those people should have charge of the thing, and the civil service should be lifted entirely from the Printing Office, because they make the requirement and the union makes the requirement. I have to serve my apprenticeship of over four years before I can get a card, if the laws of the union are honestly enforced, but these men, as I claim, while I was chief of the division—this committee of the union—watched men set type and examined their papers and examined their proof sheets, and I claimed they were incompetent.

Mr. PROCTER. Because they had not served their apprenticeship?

Mr. RHODES. Because they had not served their apprenticeship. Still, they were railroaded into the union.

Mr. PROCTER. That was before it was in the classified service. But you are aware of the fact that to-day nobody is admitted until he has served an apprenticeship of five years, and then he has to undergo a practical test in the Printing Office, in setting type, before he can receive an absolute appointment. One reason they do not promote them until the end of six months is because they have to have six months' service as practical printers before they can receive an abso-

late appointment. Previous service in the Government Printing Office does count, no matter if a man served there three or four years ago.

Mr. RHODES. I am aware of that fact. Will you permit me to ask you a question?

Mr. PROCTER. Yes.

Mr. RHODES. Why is it that when the Government Printing Office was put under——

The CHAIRMAN. We can not conduct the investigation in this style. You can answer the question, Mr. Rhodes.

Mr. PROCTER. You said you took the examination for copyist, and were not appointed. Are you aware of the fact that there have been only five appointments from the clerk-copyist register in two years, because the Departments are calling for names from the special registers?

Mr. RHODES. I am not aware of that fact.

At 11 o'clock and 10 minutes a. m. the subcommittee adjourned until Saturday, June 26, 1897, at 10 o'clock a. m.

SATURDAY, *June 26, 1897.*

The subcommittee met at 10 o'clock a. m.

Present: Senators Pritchard (chairman), Elkins, and Kenney; also Hon. John R. Procter, president of the Civil Service Commission, and Mr. G. R. Wales, of the Commission.

POSTOFFICE DEPARTMENT.

FREE-DELIVERY SERVICE.

TESTIMONY OF WILLIAM M. BUTCHER.

WILLIAM M. BUTCHER, being duly sworn, testified as follows:

The CHAIRMAN. We shall be glad to hear any statement you may wish to make with respect to the operation of the civil-service law.

Mr. BUTCHER. Mr. Chairman, I represent the letter carriers of Philadelphia who were reduced to substitutes and placed on the waiting list in October, 1895. In October, 1894, Philadelphia was granted an increase in the carrier service of 83 men, upon the application of Postmaster Carr and the recommendation of the Congressmen. After an injudicious placing of these men by an incompetent executive committee, or executive division, an investigation of that office was ordered by the Department in Washington. On account of the unequal distribution of the work through favoritism shown to friends of the Administration, it was possible for the mechanics or inspectors to find men loitering or trying to kill time, they not having sufficient territory to keep them busy. There may have been some of them caught drinking, and it is quite likely there were, and they are still in the service. The investigation has not improved the force, for those men are still on it.

I should like to call your attention to a part of a speech made by Postmaster-General Wilson and also part of one made by Mr. Machen before a convention of the National Association of Letter Carriers assembled in Philadelphia in September, 1895, just before the reduction took place. Mr. Wilson said:

I hope that every letter carrier in the country will feel that if he trusts to any other title, if he fails in doing fully, and in good measure, his daily duty, or carries his uniform where it may justly incur suspicion inconsistent with upright public service, and blameless personal reputation among the people, no political influence,

and no accumulation of other influences, can hold him in the service; and equally, on the other hand, that no political influence, or accumulation of influences, can separate him from the service as long as his feet are firmly planted on the foundations of public duty and personal integrity.

That is part of Mr. Wilson's speech. Mr. Machen said:

When the secret service was first inaugurated unavoidable delays in submitting charges to the carriers caused complaint, the justice of which is admitted. This has all been remedied and charges are now given the carriers within a few days after the date of the actual investigation. Within one year from date the individual record of every carrier will be on file in Washington. The Department aims to do exact justice to all—to credit the deserving and discipline the delinquent. It rests with you, gentlemen, to establish a good record at headquarters. All depends upon your own conduct and the manner in which you perform your official duties. I am thoroughly satisfied that, as you become more fully acquainted with the work that is now being prosecuted by the Post-Office Department and after you have an opportunity of seeing the results of that work, you will come to the conclusion that the officials at Washington are doing their full duty, not only to the public by improving the efficiency of the service, but also to the army of letter carriers by weeding out the laggards and insuring life tenure to the energetic and faithful.

That is a part of Mr. Machen's speech. You see that we who had been faithful, honest, and diligent at our work, fearing no inspector, safe in the knowledge that we had ever done and were still doing our full duty, had assurance from our superior officers that we would be retained as long as we continued to do our duties. And what was the result?

October 1, 1895, 76 men were placed on the waiting list by order of the Department in Washington. Who were the men? Were they the men who had been reported for neglecting their duties? No; those who were reported were friends of the Administration and received notice of suspension of from five to thirty days, at the option of the postmaster. The men who were reduced were men who had no charges against them and had been doing their duty, feeling safe that they would not be disturbed, and having the word of the superior officers that political influence would play no part in the reduction. Seventy-two were Republicans, 16 of whom were veterans of the late war, among whom were men who had been in the service nearly twenty years and had never been before any of the postmasters of that period on any complaint whatever. The balance were bright, intelligent young men, willing to do their whole duty to the service, none of whom were dissipated in any way, and the most of them were married. The Democrats who were reduced were those who, it was claimed, had not paid their political assessments. I have an affidavit taken by one of them that will show you that he had. This is one of the men Mr. Machen heard from. He said that all he heard from were Democrats. This is an affidavit taken before one of the magistrates of our city, in which the affiant says:

I, John A. Felix, do hereby certify that on September 30, 1895, I received a notice to report as a substitute carrier on and after October 1, 1895, until further notice. On application to Mr. Carr, through my attorney, C. Oscar Beasley, for cause of reduction I was informed it was for nonpayment of political assessments. Then I showed receipts for $100 from the Democratic executive committee paid within two years. Mr. Carr stated that it was a gross mistake, and had he known two days before that such was the case I should not have been reduced to a substitute.

That is a sample of the Democrats. They were the ones who complained. Mr. Machen did not hear any complaints from the Republicans. The Democrats were, no doubt, the men who clamored for their positions, and if you or I had paid into the treasury of a party as much money as the Democratic employees of the Philadelphia post-office have paid their party we would clamor, and very loudly, too.

Communications were sent to the First Assistant Postmaster-General stating the facts of the case, but we were informed that it had all been approved by the Postmaster-General. We wrote to him and stated the facts. Inquiries were made at the local department, and we were told there were no charges against us; that it was only a matter of politics, I was told by the superintendent. I asked him if there were any charges against me. He said no, it was simply a matter of politics.

After our complaints were filed here in April, 1897, Mr. Carr, the postmaster at Philadelphia, made a statement to a Press reporter, which I will just read to you to show you how the civil service was administered in the Philadelphia post-office.

The CHAIRMAN. I do not think it would be competent for you to read an ex parte statement. You can state any facts that are within your knowledge.

Mr. BUTCHER. Well, so far as we could learn, and according to all we have learned, it was altogether through politics that we were reduced—72 of us.

The CHAIRMAN. Now, you can make any statement of fact coming within your knowledge bearing on that subject.

Mr. BUTCHER. Mr. Machen states here, on pages 220 and 221 in his testimony, that the Department had no data with which to refuse the appointment of those 83 additional carriers at the request of the postmaster at Philadelphia. During the summer and fall of 1894 there was an inspection of the Philadelphia carriers. Maps of the different districts that were being inspected were furnished by the superintendent of the station in that district, and every Republican carrier had a blue pencil mark around his number on the map furnished to these inspectors. They were the ones they were following—trying to find out anything about them. Of course they found nothing to their disadvantage, and then they claimed they had no data. They did not follow the other people at all.

Mr. Machen states that the 83 men were from the eligible list under the administration of Mr. Field, the predecessor of Mr. Carr. There was not one of those men in the 83 who applied to be a letter carrier until Mr. Cleveland was elected President in November, 1892. They took the examination during February, 1893, and August, 1893, and they were all Democrats, because there was not one of the six hundred dollar men reduced—not one of them. They can not claim that the men who had not been in the service one year are more efficient than those who have been in nearly twenty years.

Mr. Machen says that the postmaster was not allowed to be prompted, and that it was not shown that in any special reduction he had been prompted in any way by political motives. Now, I filed charges in the Department and had an interview with Mr. Machen, and he said that Mr. Carr was on record in the Department for removing the men; that he did not send any men there for suspension; that all he recommended was for removal; that he had to fight him all the time on that one subject; that he had modified ten or fifteen removals to suspensions, and he was on record in the Department. Now, he claims that they did not allow any man who had a record of that kind to have any say in it, because they would know that they were influenced by political motives.

Mr. Machen says he made an investigation in Philadelphia. If he did make an investigation it was very superficial, because he simply went to the central office and gave the men there hearings, and he suspended one man five days where his register and receipt book showed he was serving a registered letter at that trip. So he was suspended

for loitering. The register and receipt book showed he was serving a registered letter. Another man was——

The CHAIRMAN. Please give us the names of these parties as you go along.

Mr. BUTCHER. The man who was suspended five days was William Berry, and another man, Harry J. Smith, was suspended fifteen days for loitering three minutes, they claimed. He had to show cause why he should not be discharged. He disproved every charge with the exception of three minutes that he got a note changed to pay his rates. He had to pay for rates, money due on letters, and the clerk in charge could not change the money and Smith got it changed outside. Then they claimed that he loitered three minutes, and he was suspended fifteen days for that. Had he been a Democrat it would have been different; he would not have been suspended.

Mr. Machen also says here that he gave Philadelphia a service with 100 men less than they had four years ago, and saved $65,000 a year. I have a sample of the service he gave Philadelphia. I tested a route, just one route, in one of the stations, and it took just twenty-four hours for a postal card to go a distance of three miles. I dropped it in on one route and it was to go to the station, and just took twenty-four hours to go three miles. Another man working right alongside of him who was a favorite of the Department, sent one that went in about five hours. I have the map taken from the survey department. Finley, Acker & Co., Mitchell, Fletcher & Co., and the Retail Grocers' Association are the people who cooperated with me in trying to get a better service for Philadelphia.

Mr. Machen claims that the men have been reinstated along since the reduction. Here is a man who was reinstated, Thomas Garr. On March 8 he received notice to report at the cashier's desk and sign the pay roll, and he was told by the clerk in charge that he had been on the pay roll since February 16. He went to the superintendent of the city delivery and asked to be assigned to a route. He was told to call around in a few days, and after repeated calls he was finally assigned to work on the 12th of April, 1897. In the meantime checks were drawn to his order and countersigned by the assistant postmaster of Philadelphia and transferred to substitutes who were working vacant routes. There were at least five vacant routes at that time, and these checks were transferred. The man was kept walking the streets for nearly eight weeks without any cause at all, simply because he was a Republican, and they could not do anything but reinstate him in his turn.

Mr. Machen says in his statement that there were 97 Democrats and 43 Republicans who were affected by the investigation. Now, that does not include those 76 who were reduced because they were not affected by the investigation. They were only affected by the reduction.

The CHAIRMAN. How long had the men been in the service who were reduced?

Mr. BUTCHER. None of them less than eighteen months who had been regular. Of course you have to substitute nearly two years before you are appointed regular. I have been substituting now thirty-seven months and I was regular twenty-two months.

The CHAIRMAN. Those men were what are known as substitutes?

Mr. BUTCHER. They were regular men before they were reduced.

The CHAIRMAN. They were reduced to substitutes?

Mr. BUTCHER. They were reduced to substitutes.

The CHAIRMAN. How long had the men been in the service who were promoted to the places occupied by those who were reduced?

Mr. BUTCHER. They had not been in the service one year. You see, the increase took place in October, 1894. They increased the service in 1894 and then in 1895 they decreased it. They loaded it up one year for the purpose of putting the Republicans back the next.

The CHAIRMAN. I did not catch your statement. What do you say they did?

Mr. BUTCHER. You see, in 1894 they loaded the service in Philadelphia.

The CHAIRMAN. What do you mean by "loaded?"

Mr. BUTCHER. Well, they put more men on than were really required.

The CHAIRMAN. They increased the number of employees?

Mr. BUTCHER. Yes; they increased it more than the officials found use for. They did not assign them. They gave them only such a small amount of territory that when the inspectors came there they naturally found them trying to put in time. But it was their own people. The Republicans had all they could do. I will take my own case, for instance. I was appointed a substitute in 1892. I was appointed regular in December, 1893. I was on a route that took me the full eight hours every day. I have seen the time sheet of a man working alongside of me with five hours and forty-five minutes, showing that he did not have enough to do. In fact, I made overtime and he made undertime. When I was reduced in October, 1895, that man was given my route. He was not touched. He was not capable of running the route that I had been running all this time, so they had to take him off there and put another man on.

The CHAIRMAN. Was any reason assigned for your removal?

Mr. BUTCHER. The only reason that was assigned was, in order to carry out the instructions of the First Assistant Postmaster-General: You will, on and after October 1, 1895, report as a substitute carrier until further notice. That is the way the notices read. Whether his instructions were to reduce the Republicans, or whether they were to reduce the least efficient men we failed to find out.

The CHAIRMAN. What position do you now occupy?

Mr. BUTCHER. As a substitute. I stand 20 for appointment as a regular.

The CHAIRMAN. Do you desire to state anything else bearing on this matter? If you have any further statement to make we shall be glad to hear you.

Mr. BUTCHER. Well, as far as writing to the Civil Service Commission is concerned, Philadelphia had had samples of investigation held by the Civil Service Commission in 1893. I. D. McKee was president of the civil service board, and made complaints to the Civil Service Commission of violations of the civil-service law. A part of the Commission came on there and investigated. They went to the two Democratic members of the civil service board in Philadelphia. Mr. McKee was the only Republican on the board. They went to the two Democratic members and got their statement and never gave Mr. McKee any hearing. Then they came back and wrote him that they thoroughly investigated and found no foundation for his charges.

The CHAIRMAN. When you speak of "they," whom do you mean?

Mr. BUTCHER. The Civil Service Commission.

The CHAIRMAN. Do you mean the Civil Service Commission here in Washington?

Mr. BUTCHER. In Washington. I think a law that plays in the hands

of officials and compels them, in order to get rid of competent men, to injure their characters, like the carriers of Philadelphia were injured, is a vicious law and should be repealed. Our characters were injured, because, all through that investigation, the newspapers were full of the carriers being drunkards and loafers, and that those men who were caught drinking and loitering were the men who were to be reduced. When the reduction came not one of them was touched, so all had to rest under that stigma, and when we went to ask for positions during the winter the business men of Philadelphia who had read the papers had no use for us, because if we neglected our duties under the Government we would with them.

That was the impression that we have been allowed to rest under, and do to-day. There has never been any contradiction or anything to the contrary in the papers. We did not contradict it for the simple reason that we had twenty months more of Democratic Administration, and had we contradicted it, or written anything through the papers, we would have been perhaps reinstated and then removed for insubordination. That was what Mr. Jones, the First Assistant Postmaster-General, gave out—that he would brook no criticism from subordinates.

The CHAIRMAN. Why did you not appeal to the Civil Service Commission in regard to this matter?

Mr. BUTCHER. For the simple reason that we had heard of the way the Civil Service Commission investigated it, and we did not think it worth while to jeopardize our positions by having them take any hand in it.

Senator KENNEY. What position do you refer to?

Mr. BUTCHER. As letter carriers of Philadelphia.

Senator KENNEY. I thought you referred to the fact that you had been reduced, and that you were then a substitute.

Mr. BUTCHER. Yes, sir.

Senator KENNEY. Your position, then, as a substitute would have been in jeopardy?

Mr. BUTCHER. Yes; even then we would have been removed, and would have had to go through the whole routine of civil-service examination again. We know how long that takes, with a substitute roll in Philadelphia of 225.

Senator KENNEY. Do I understand you to say that you would have been removed simply because you appealed to the Civil Service Commission? If you had appealed would it have caused your removal?

Mr. BUTCHER. If we had criticised the workings of the Department.

Senator KENNEY. But if you had simply appealed to the Civil Service Commission and set forth facts, would that have been a cause for your removal?

Mr. BUTCHER. It would have been a cause if we had criticised, according to what Mr. Jones gave out.

Senator KENNEY. Did Mr. Jones make that statement to you?

Mr. BUTCHER. No; it was published in the Postal Record in a letter to Postmaster Hesing, of Chicago, a man who did defend his people. The Civil Service Commission certainly were cognizant of the facts, because it was a subject for debate in the House of Representatives in March, 1896. It was in the Congressional Record of March, 1896, and it was the subject of debate—why these men, 78 men receiving $1,000, and 22 men receiving $800, should be reduced, and the men who received only $600 should stay there.

The CHAIRMAN. Did the investigation disclose the fact that any letter carriers were men of intemperate habits?

Mr. BUTCHER. Yes; it did.

The CHAIRMAN. To what extent?

Mr. BUTCHER. Not as to any of those who were reduced. It did not establish that fact as to them.

The CHAIRMAN. That is not the question I asked. Did the investigation disclose the fact that any of those men were intemperate?

Mr. BUTCHER. Well, their notice read "For drinking and loitering in saloons." One of them (and I shall show that this man was not very much of a loafer) got fifteen days. Another man, my partner, was, for ten minutes in Betz's brewery, suspended ten days. Betz's brewery was on the route he served, and he was suspended ten days for being ten minutes in Betz's brewery, and I had no charges against me and I was reduced to a substitute. They did not discipline the delinquents.

The CHAIRMAN. Your idea is that the man who had been in the brewery fared better than you did?

Mr. BUTCHER. Much better. He was suspended for only ten days and I have been off now for twenty one months.

Senator KENNEY. In that time how much service have you done? What has been your average work in twenty-one months?

Mr. BUTCHER. Well, the 1st of October I would not give them a chance to trip me up for anything, and so I got a leave of absence and kept it renewed until the 1st of July, 1896. That was in October, 1895, and I kept it renewed, and that brought me, as I supposed, within the bounds, anyhow, of one year. If you are removed and out of the service one year, you can not be reinstated. So I was requested to come back the 1st of July, as carriers' vacations start in then, and run some of the rural districts, as I was well acquainted with them. I told them how I was situated. I was in business with a young man, and if they had plenty of substitutes without me I preferred to stay on as I was out. But they insisted upon it, and of course I went back and went to work. I worked until the 15th day of September. After the 15th of September up until Christmas I did two days' work. Then I was running around in the rural districts; I did not have to report every morning. In the mean time I applied for a leave of absence and was refused, although they had all the substitutes they needed.

On the 17th of January I went into the central office and went to work there. Since the 17th of January I have made about but not quite thirty days. I have not reported all the time, because we have been told by the clerk in charge that we might as well stay at home; that the orders were to give all the work to Democrats. If there was a run given out the Democratic sub. got it; we did not get any of it. The Republicans will not average two days of pay, simply because they are discriminated against. I have complained to the Department here. We are told it is the talk of people in Philadelphia that they have no right to do that, but at the same time it is not remedied, and it goes on. I have been told, "We will help you along; you will be reinstated the 1st of July." We have been told that so often we do not place any confidence in it. The men are discriminated against now in buying uniforms. Some of the men recently reinstated had new uniforms, and they have been cajoled into buying them, saying that they would be regular the 1st of July, 1896. They bought new summer uniforms, expecting they would be regular.

This year they said to the department there in Philadelphia, "Well, I have a uniform; all it needs is a little cleaning and pressing and you can not tell it from a new one." Some of them were told, "We do not care if you have got ten uniforms, you will buy another one." Others were told, "If your uniform is in a good condition, clean it and press it

and it will be all right; you boys have suffered enough." That is the way they have discriminated from one to another. Those men are all protected by the civil service. Every man in the Philadelphia post-office, with the exception of the postmaster, and assistant postmaster, and cashier is protected by the civil service, and they are protected by the Senators from Pennsylvania. So they are not removed. Their four years was up the 1st of June. They have not been removed and we do not see any likelihood of their being removed.

The CHAIRMAN. Mr. Procter, do you desire to ask the witness any questions?

Mr. PROCTER. Yes, sir. Mr. Butcher, what Commissioners made the investigation you spoke of in Philadelphia?

Mr. BUTCHER. Mr. Roosevelt and Mr. Procter.

Mr. PROCTER. Mr. Roosevelt is supposed to be a pretty vigorous Republican, is he not?

Mr. BUTCHER. Yes; he is supposed to be, but why he took part in an investigation of that kind, and whitewashed it like he did in regard to Mr. McKee, it is hard to explain.

Mr. PROCTER. Do you know the politics of Mr. Vogel?

Mr. BUTCHER. He is a Democrat. And Mr. Hoban.

Mr. PROCTER. Was it not on the recommendation of Mr. Roosevelt, after investigation, that Mr. Vogel was made secretary of the postal board of civil service examiners?

Mr. BUTCHER. It might possibly have been, because Mr. McKee was out of it and removed from the superintendency of the station there.

Mr. PROCTER. General Edgerton is the chief inspector in the Philadelphia district, is he not?

Mr. BUTCHER. I believe so.

Mr. PROCTER. Has he not been a very long time in the postal service?

Mr. BUTCHER. Yes.

Mr. PROCTER. And he is a very efficient man?

Mr. BUTCHER. It would seem so.

Mr. PROCTER. Is he not a Republican?

Mr. BUTCHER. I believe he is.

Mr. PROCTER. Was he not chief inspector during the preceding Administration in Philadelphia?

Mr. BUTCHER. Yes.

Mr. PROCTER. That is all I care to ask the witness.

CIVIL SERVICE COMMISSION.

METHOD OF CERTIFICATION.

TESTIMONY OF F. C. JONES.

F. C. JONES, being duly sworn, testified as follows:

The CHAIRMAN. Where do you reside?

Mr. JONES. My legal residence is Kansas City, Mo.

The CHAIRMAN. Where do you reside now?

Mr. JONES. 319 A street NE.

The CHAIRMAN. This city?

Mr. JONES. Yes, sir.

The CHAIRMAN. What is your occupation?

Mr. JONES. I am a clerk in the Pension Office.

The CHAIRMAN. We shall be glad to hear any statement you may desire to make in regard to the operations of the civil-service law.

Mr. JONES. I have no special grievance against the civil-service law or the Commission. I think it is a good law if rightly enforced. I think there is one mistake, however, in the certifying of eligibles. I do not think the law requires them to forward the examination papers with the certification. I think it works sometimes detrimentally to the person certified, as in my own instance. I was first certified by the Civil Service Commission in 1890 to the War Department, and my papers went up with the certification. I am speaking generally against sending up the papers. It reveals a man's religion and his politics both, in my estimation. They can very easily ascertain through those papers, whereas if the papers did not go up it would be a hard matter for them to ascertain a man's politics or his religion. Therefore I do not think it is wise to send up papers with the certification.

As I say, I was certified to the War Department, and I was rejected. I was a preferred eligible, having been a soldier discharged for wounds. I went with Major Burke, who was then the department commander of the District of Columbia Grand Army, to see Mr. Secretary Proctor. He knew nothing about it. He could give us no information why I had been rejected, being a preferred eligible. He referred us to Mr. Ainsworth. We went and saw him. He emphatically gave us the reason that I was too old; that he proposed to inject younger blood into the War Department.

I then went back to Mr. Lyman with Major Burke, and I said to Mr. Lyman I did not think I had been treated fairly; that as I understood the law, being a preferred eligible, having passed the required examination, the War Department should be compelled to give me a temporary appointment or a probationary appointment, so as to ascertain my qualifications. Mr. Lyman said he thought not. I insisted that, as the law read, I should be certified, with a view of appointment, in preference to anybody else.

As I understand, he referred the question to Attorney-General Miller, who very soon decided that I was entitled to a probationary period. Thereupon, within the next six days, I was certified and appointed. I believe I have seen a copy of that order, although Mr. Harlow tells me he never heard of it. The Commissioners who are present, perhaps, know whether or not it was issued, but I am satisfied there was such an order, because the papers had it.

At the end of four months I was promoted from $1,000 to $1,200 before I received my absolute appointment, and at the end of six months I made application for a transfer to the Pension Bureau, in compliance with an intimation from General Raum that he would appoint me if I could get a transfer. I was turned down by Mr. Ainsworth upon the ground that he did not feel disposed to allow experienced clerks to be transferred away from him. That was nothing against the Civil Service Commission, however. But at the end of a year or such a matter, Mr. Elkins coming in as Secretary of War, the matter was referred to him through my old friend Colonel Van Horn, of Kansas City, and I was immediately transferred the next day, for which I was very thankful to Secretary Elkins. I do not think Mr. Ainsworth had very much to say about it.

When the late Democratic Administration came in I was acting, off and on, as chief of section in the absence of the regular chief. The first three months I made a rating of "excellent," which entitled me to promotion. They had four grades—excellent, good, fair, and poor—and it was given out that the man making a poor grade would be on

the eligible list for dismissal. But I saw put on by the assistant chief, then acting chief of division, opposite my name "excellent" as my rating. In September I was invited to the chief clerk's room and really supposed I was going to get a promotion, but instead of that I got it in the neck—$300. I asked the chief clerk what it was for. He knew nothing about it, I asked if I could see the Commissioner. He said I could. I went to Mr. Lochren to ascertain. I said, "Here is my record marked 'excellent.' I am an old soldier. My service was of forty-nine months' duration, suffering from wounds. I think there must have been some mistake." Well, he did not know, except, he said, that Secretary Hoke Smith ordered my discharge right out and out. I said, "What for?" He said, "Are you not the secretary of the Missouri Republican Association here?" I told him I was, and had been reelected the second term. "Did you not go home to Missouri and make political speeches in the campaign of 1892?" "I went home, arriving there the evening before at 7 o'clock. The next day I made a few political talks at the different precincts where I was well acquainted." "Did you not contribute money to the campaign?" I said, "All I contributed was what I paid for my personal expenses going to Kansas City and returning." "Well," he said, "Mr. Secretary Smith orders your dismissal, but in view of your having been a good soldier I have seen fit to retain you at $900." I told him I would rather he would carry out Mr. Secretary Smith's orders and discharge me out and out than to reduce me, as I felt I was then earning more money than I was getting. That was the end of it. I was reduced from $1,200 to $900. I believe I have no further grievances.

Senator ELKINS. Are you still serving at $900?

Mr. JONES. No, sir; I was advanced to $1,200 by Mr. Lochren himself upon the importunity of my society friends of the Grand Army and the Union Veteran Legion. I think there was a clear violation of the law.

Mr. PROCTER. I should like to ask you what there is in the papers that you think would indicate a man's politics or his religion?

Mr. JONES. It is evident that upon receiving the papers of the certified person you can ascertain a man's politics or religion.

Mr. PROCTER. There is nothing in the papers to indicate it.

Mr. JONES. Of course there might be something indicative there. I would naturally get a prominent Republican on my papers as recommender.

Mr. PROCTER. The Department not knowing what State a man comes from——

Mr. JONES. They know by the papers.

Mr. PROCTER. They do not know until they get the papers?

Mr. JONES. No.

Mr. PROCTER. They can not know the indorsers of people scattered all over the United States?

Mr. JONES. No, sir.

Mr. PROCTER. And they are not indorsements, but simple certificates to the truth of the statements made by the candidates.

Mr. JONES. They would readily know as soon as they received my papers what my politics was, because I had Major Warner, of Missouri, as one of my indorsers, and he is known pretty well over the country.

Mr. PROCTER. When you were appointed may not that have been from your second certification? You know you are entitled to three certifications.

Mr. JONES. I was certified three or four days——

Mr. PROCTER. Were they not appointing in General Ainsworth's division quite a number of clerks at that time?

Mr. JONES. Yes, sir.

Mr. PROCTER. And making certifications every day?

Mr. JONES. Yes, sir.

Mr. PROCTER. Is it not probable that it was on your second certification that you received the appointment?

Mr. JONES. I know I was certified, and probably by some direction. In fact, I will tell you, Mr. Procter, that I understood at the time that Mr. Lyman, as president of the Civil Service Commission, had notified the War Department that they would have no more certifications until they took those preferred eligibles. I understood that at the time, and I believe such was the case.

Mr. PROCTER. In view of this ruling of the Attorney-General, which was made in 1889—

By section 1754 of the Revised Statutes it is made the duty of those making appointments to civil offices to give a preference, other things being equal, to the class of persons named in that section, but the matter of capacity and personal fitness for the place is for the determination of the appointing power—

How do you think——

Mr. JONES. What does he know about my fitness?

Mr. PROCTER. You are aware that the Commission has no right to dictate to the Department as to age or sex, or to question the right to take the third man on the certification if from the examination papers they think the third man is the better clerk.

Mr. JONES. The appointing power could very easily ascertain my politics, of course. They can ascertain it as to every man.

TREASURY DEPARTMENT.

BUREAU OF ENGRAVING AND PRINTING.

TESTIMONY OF PETER C. BAIN.

PETER C. BAIN, being duly affirmed, testified as follows:

The CHAIRMAN. Where do you reside?

Mr. BAIN. 1705 New York avenue.

The CHAIRMAN. What is your present occupation?

Mr. BAIN. I am a bookbinder, and am now employed in the Government Printing Office. I want to make complaint of a number of violations of the civil-service law, both in letter and spirit, and also of violations of section 1754 of the Revised Statutes. To do that I have made note of certain cases of dismissals and reductions made in the Bureau of Engraving and Printing. They are all reported in the letter of Mr. Secretary Carlisle, which was published in the Fifty-fourth Congress, second session, document 180.

George D. Crawford, a clerk at $1,600, a Republican—his title was clerk in charge of supplies—was discharged October 15, 1893, to make place for E. L. Beach, a Democrat, who was appointed without examination, and called chief of the division of supplies, a title hitherto unknown. The division consists of one clerk and one messenger, no more. His pay was raised to $1,800.

D. M. Davis, a clerk at $1,600—I understand these were all under the classified service, and a $1,600 clerk was a third-class clerk, as I understand the law—D. M. Davis, a clerk at $1,600, a Republican, was discharged June 30, 1893. He performed the duties of disbursing clerk. He was discharged to make place for A. G. Morgan, a Democrat from

Kentucky, and father-in-law to Chief Johnson, of the Bureau of Engraving and Printing. He was appointed without examination and given the title of chief clerk and disbursing agent, a title hitherto unknown. His pay was raised to $2,000. The duties as chief clerk are performed by an officer called an accountant, and he still performs those duties.

John Q. Larman, a practical machinist of long experience and ripe judgment, and of excellent executive ability, who had served in the District militia in 1863 acceptably and well, a Republican, who had been superintendent of the machine division of the Bureau of Engraving and Printing for more than thirty years, had laid out and planned and put in all the machinery in the present building of the Bureau of Engraving and Printing, was discharged without an hour's notice on March 10, 1894, to make a place for the present incumbent, who is a Democrat, appointed without examination, and his pay raised to $2,000.

C. G. Bollinger, an expert plate printer and oil burner, at $1,565, a Union soldier with a splendid record, a man of excellent habits, a Republican, was discharged July 23, 1894, and a Democrat put in his place.

Archie Dick, foreman of the ink room, at $1,500, a veteran sailor of long service, was discharged August 20, 1894, to make room for a Democrat.

Nathan King, captain of the watch, at $1,460, of long, faithful service, a veteran soldier—I mean veteran Union soldier—with good record, a man of good habits, and doing his work acceptably and well, a Republican, was discharged to make room for a Democrat whose only recommendation was that he had done some work for the chief clerk of the Treasury Department at that time, and this was his reward. This clerk, whose name I do not recall, was afterwards, on the death of a clerk at $1,800, given the place without examination, and he still holds it.

A. L. Root, a watchman at $840, a Republican, a veteran Union soldier, was discharged February 28, 1894, and his place filled by a Democrat.

J. A. Morris, another watchman, also a Union soldier, was discharged March 4, 1894, for the same cause and with the same result, to make room for a Democrat.

Charles W. Sparks, C. J. Jesetti, and W. S. Moore, bookbinders in the Bureau, too young to have been Union soldiers, were discharged without cause to make room for Democrats, and that reason was given to them—two of them, at least—at the time of their discharge.

The CHAIRMAN. Bookbinders?

Mr. BAIN. Yes, sir.

Mr. PROCTER. What was the date?

Mr. BAIN. It was during 1894.

Mr. PROCTER. Prior to November, 1894?

Mr. BAIN. Yes, sir.

The CHAIRMAN. Were bookbinders included in the classified service at that time?

Mr. BAIN. I think they were.

Mr. PROCTER. No, sir; none of them were; none of these people were under the classified service; they were excepted places.

Mr. BAIN. How about this circular issued from the Treasury Department December 24, 1891? It goes on to say that they were all put under, gives the competitive examinations for promotions, etc., and, according to the orders of the chief of the Bureau at that time, copies of this circular were furnished to everyone in the Bureau. I speak of that from my own knowledge, because they were sent to me as superintendent of the division there, and I furnished a copy to everyone in the division.

William H. Peck, an assistant superintendent in the printing division at $1,800, under the civil-service rules, a veteran Union soldier with a record to be proud of, a man of intelligence and capacity, a Republican, was given the choice to go back to the printing press—the plate press as plate printer—or be discharged to make room for a Democrat.

The CHAIRMAN. What was the date of that?

Mr. BAIN. It was 1894. He took the press and is still working at it. Peter McGirr, another assistant superintendent, was treated in the same way. There may be a question about these assistant superintendents being under civil service. Is that question raised?

The CHAIRMAN. I do not know. We will see when we get to it. Do you mean at present?

Mr. BAIN. I mean at that time Peter McGirr, another assistant superintendent of the printing division, was treated in the same way, with the same result. Upon remonstrating with Chief Johnson, and telling him that politics had never before been brought into the Bureau as a reason for employment or discharge, he was told by him (Johnson) that politics was there now, and was come to stay. This was in October, 1893.

Alfred Hamilton, a plate printer, a veteran Union soldier, was discharged December 5, 1894, for the same causes.

Charles Morgan, a son of A. G. Morgan, and brother-in-law of Chief Johnson, was appointed as a compositor at $3.20 a day, July 26, 1895. He is not a compositor and never was. He never did a day's work as compositor, but is used as a kind of messenger. Now, messengers can not be appointed, I understand, to any such places.

M. B. Mann was appointed as a laborer, January 2, 1894, without examination. He never has done any work as laborer, and was appointed to do clerical work at $700 a year, and still holds the place.

In my own case, I was dismissed the 26th day of February, 1894, as superintendent of the binding division. I made complaint to the Civil Service Commission and they investigated my statement. I presume from their minutes, which I have seen, they found it true, which was that I was under the classified service as superintendent, and that my war record was all right; that I had been a Union soldier, discharged on account of wounds received in service and line of duty, and they embodied in their report an account of the case, which reads this way:

"ALLEGED EVASION OF LAW BY A CHANGE OF DESIGNATION OF A POSITION IN THE BUREAU OF ENGRAVING AND PRINTING, TREASURY DEPARTMENT.

"The following letter was addressed to the Secretary of the Treasury on June 29, 1894, respecting the removal of Mr. Peter C. Bain as superintendent of the binding division of the Bureau of Engraving and Printing:

"'The following statement of facts in the matter of the removal of Peter C. Bain as superintendent of the binding division in the Bureau of Engraving and Printing, embodied in the complaint to this Commission, is respectfully submitted to your attention with the request that you advise the Commission in the premises. The facts in brief are, that the position of superintendent, from which Mr. Bain was removed, was at the time subject to competitive examination; that the title of the place was changed to chief of the binding division, and an appointment made to it without an examination.

"'It appears that Mr. Bain served in the civil war, in the ranks and as a commissioned officer, and was discharged on account of wounds

received in battle; that in 1867 he was appointed a journeyman bookbinder in the New York State Library and remained under every administration in that position until 1882; that he was then appointed a journeyman bookbinder in the Bureau of Engraving and Printing and remained through all Administrations until February last. In December, 1891, the superintendent of the binding division in which he had been serving for ten years died, and Bain was promoted to the vacant position. His immediate chief at the time of the discharge was Claude M. Johnson, now Chief at the Bureau of Engraving and Printing, who in a letter of February 27, 1894, stated that Mr. Bain had performed his duties as a bookbinder in a satisfactory manner and was a first-class workman, and that he had performed the duties of superintendent of the binding division since he (Mr. Johnson) had had control of the Bureau satisfactorily, and left the service without any reflection upon him whatever.'

"On February 26" —

This goes back a little—

"the Secretary of the Treasury wrote to the Commission, stating that he had abolished the office of superintendent of the binding division, at $1,900 per annum, discontinuing the services of Peter C. Bain, and that he had established the office of chief of binding division, at $1,900 per annum, and appointed John W. McGill to the place. It appears that the title 'chief of division' has hitherto been unknown in the classification of the Bureau."

The words I am now quoting are those of the Civil Service Commission:

"The place of superintendent was changed in title to 'chief,' and the appointment made to it without examination, and there is nothing to show that the duties have been in any wise changed, which alone could be a proper reason for the exemption. So far as appears from the letter of Mr. Johnson and from the record of Mr. Bain, no public need was subserved by the change, as Mr. Bain's services were entirely satisfactory. If such is the case, it would appear that the change of title was merely for the purpose of getting the position out of the number of places covered by competitive examination. There is nothing to show that there was any reason for making the exemption. The same state of affairs apparently exists in reference to the abolishing of the office of superintendent of machine division, at $1,900, and the creation of the office of chief of machine division, at the same salary and duties.

"No reply was received to this letter."

That is their comment upon it.

Some little time ago I called at the office of the Civil Service Commission and saw Mr. Doyle, the secretary, and in talking with him I asked him if they had ever received any further communication from the Secretary of the Treasury in relation to this case. He said they had not. This was in December last, possibly. I asked him if it would not be a proper thing to call on them for some reply to the communication. He said perhaps it would. He said, "If you will write us a letter asking us to do this, I will have it referred, and we will get something from them, possibly."

The CHAIRMAN. We will now have to adjourn in order to attend the session of the Senate. Have you any further statement to make?

Mr. BAIN. Yes, sir; there is something more I desire to say.

The CHAIRMAN. Then, I will ask you to suspend now and return next Saturday, when the committee will meet at 10 o'clock a. m.

At 11 o'clock and 10 minutes a. m. the subcommittee adjourned until Saturday, July 3, 1897, at 10 o'clock a. m.

SATURDAY, *July 3, 1897.*

The subcommittee met at 10 o'clock a. m.

Present: Senators PRITCHARD (chairman), and HARRIS of Kansas; also Hon. John R. Procter and Hon. John B. Harlow, members of the Civil Service Commission, and Mr. G. R. Wales, of the Commission.

TREASURY DEPARTMENT.

BUREAU OF ENGRAVING AND PRINTING.

TESTIMONY OF PETER C. BAIN—Continued.

The CHAIRMAN. Mr. Bain, you can proceed with your statement.

Mr. BAIN. Of my war record I wish to say a few words. I was enlisted in April, 1861, and was promoted to second lieutenant in December of the same year. I was promoted to captain from June 1, 1862. I was promoted for gallantry at the battle of Fair Oaks, where I was badly wounded while leading my company in action. I was again wounded at Chancellorsville in May, 1863, and received a sunstroke in June of the same year. In October, 1863, I was discharged on account of wounds and disability received in battle, having served about thirty months. I make this statement to show that I come directly under section 1754 of the Revised Statutes, and was entitled to be retained in the position I held in the civil service.

I came into employ in the Bureau of Engraving and Printing in March, 1882, and was twice promoted there. My record was without a flaw. I had never even been tardy once, and had never lost any time beyond my leave.

On the evening of February 26, 1894, I closed the division and returned the key to its board. I do not know that it is necessary to explain that each superintendent, when the work of his division was closed, put the key up in the board, which showed that the work of the division was done. After having done that a paper was put into my hand telling me that my services as superintendent had that day been dispensed with.

I immediately went up to the office and found Mr. Johnson, and asked him if there were any charges against me. He said there were not. I asked him if that did not leave me as a finisher in the bindery, as I had been promoted from there when made superintendent. He said he had not thought of that, but for me to come over in the morning. The next morning I went over, and he then said no, I would have to consider it a discharge; that reducing me would be equivalent to appointing a Republican, and he could not do that—his exact words. I then asked him for a statement of the facts of my service, and he directed Mr. Sullivan to prepare this letter from the records of the Bureau, which, after signing, I received. I have the letter here, and perhaps you had better hear it.

TREASURY DEPARTMENT,
BUREAU OF ENGRAVING AND PRINTING,
February 27, 1894.

SIR: At the request of Mr. Peter C. Bain, I take pleasure in certifying that the records of this Bureau show that he was employed here as a bookbinder from March, 1882, to December, 1891. On the latter date, upon the death of the former superintendent of the binding division, Mr. Thomas P. Sparks, he was promoted to be superintendent of

that division. I am informed that Mr. Bain performed his duties as bookbinder in a satisfactory manner and that he is a first-class workman. He has performed the duties of superintendent of the binding division, since I have had control of the Bureau, satisfactorily, and he leaves the service without any reflection upon him whatever.

Very respectfully,

CLAUDE M. JOHNSON,
Chief of Bureau.

Hon. F. W. PALMER, *Public Printer.*

This is the original letter. I then complained to the Civil Service Commission, and, after their investigation, was told they could do nothing further. The result of the investigation—that is, their report—I read at the last meeting of the committee.

In the case of George W. Casilaer, another superintendent whose place was wanted, though he was under civil-service rules, he was discharged some time in October, 1893, I think. T. C. Ray——

The CHAIRMAN. As you go along just refer to the page.

Mr. PROCTER. What is the page of the report of the Civil Service Commission?

Mr. BAIN. Pages 318 and 319 of the Eleventh Annual Report. T. C. Ray, a veteran colored Union soldier, was discharged March 18, 1894. He was a register clerk, of long and faithful service, an intelligent man, and no fault could be found with his work. But he was off color, and our Democratic friend from Kentucky could not abide a colored man—a colored Republican especially—so he was discharged. I am giving facts that are borne out by Mr. Carlisle's report. Shall I give these names taken from Mr. Carlisle's report?

The CHAIRMAN. Yes; any fact appearing in a public document or anything that comes within your own knowledge you can state.

Mr. BAIN. A. Lauck, superintendent of the wetting branch, William H. Peck, assistant superintendent of the printing division, Peter McGirr, assistant superintendent of the printing division, B. C. Parker, foreman of the surface branch (that is another branch of the Bureau of Engraving and Printing), are Republicans who were dismissed to make room for Democrats, and in each case the places were filled so.

Senator HARRIS, of Kansas. You say they were removed to make places for Democrats. Do you find that statement in Mr. Carlisle's report?

Mr. BAIN. No, sir; that is not in it.

Senator HARRIS, of Kansas. That is your opinion?

Mr. BAIN. That is my knowledge of the cases themselves.

Senator HARRIS, of Kansas. It is your opinion as to the fact?

Mr. BAIN. No, sir; it is a fact. It was done in each case. In each of these cases where I state they were removed and others put in their places, I mean that those removed were Republicans and those put in their places were Democrats.

Senator HARRIS, of Kansas. At the same time you are assuming a motive. The fact of a man being a Republican or a Democrat was not necessarily the motive in making a change, and you arrive at it by some conclusion of your own.

Mr. BAIN. I arrive at it the same way that I do in my own case, and that reason, and no other, was given me directly.

Senator HARRIS, of Kansas. But you assume that it was the same reason.

Mr. BAIN. Well, that reason was given in at least eight of these cases,

Mr. WINES. It is nothing now, sir. I am not engaged in any employment whatever. I live with my son.

The CHAIRMAN. You may proceed.

Mr. WINES. My legal residence is in Kentucky.

All I wish to do, and that it seems to me is a work of supererogation, is to show the fact that they paid no regard to a person's being under the civil service.

The CHAIRMAN. To what Department do you refer? Please be more specific.

Mr. WINES. I was in the Geological Survey. When I was dismissed I went to the three principal men and wanted to know the reason why; and I told them that I wanted testimony that I was not dismissed for any incompetency, and here is what they have to say. Shall I read what they have to say?

The CHAIRMAN. Yes.

Mr. WINES. Major Powell——

The CHAIRMAN. What position did you hold there?

Mr. WINES. I was a copyist in the Geological Survey.

The CHAIRMAN. And you say you were dismissed?

Mr. WINES. Yes, sir; I was dismissed.

The CHAIRMAN. At what date were you dismissed?

Mr. WINES. It was about the 1st of September, two years ago.

The CHAIRMAN. Were any reasons assigned for your dismissal?

Mr. WINES. None in the world. No reasons were assigned why I was dismissed; and in order that it could not be alleged that I was incompetent, I went to the three principal men to get letters. Major Powell, who had been for the longest time the Director, had just resigned. I was in the Geological Survey ten years. Major Powell was the Director, but he left about that time and became the Director of the Bureau of Ethnology. Professor Walcott was put in his place. I will read first what Major Powell has to say.

"Mr. William Wines was for many years an employee of the Geological Survey of the United States. I take great pleasure in certifying to his character, and recommend him to those who desire to employ a man of ability. Mr. Wines is intelligent, faithful, and efficient, and in every way trustworthy."

That is from Major Powell. Here is what Mr. Walcott, the present Director, has to say. He was just appointed as Director, then:

"Mr. William Wines, the bearer of this, was employed for ten years in the classified service of the Geological Survey, first as skilled laborer, and afterwards as a copyist, and was distinguished for his fidelity and strict obedience to orders. I can confidently recommend him to any place that he may seek, for which education, devotion to duty, and steady habits may be required."

Here is what Colonel Rizer, the chief clerk, states:

"Mr. Wines, the bearer hereof, was for a number of years an employee in this office, and it gives me pleasure to testify to his loyalty and fidelity to duty and his accuracy in the discharge thereof. Full reliance may be placed in his integrity, intelligence, and ability to perform the duties of any position he may aspire to. His intelligence and information are far above the average, and it will be gratifying to me to learn that he has secured employment commensurate with his ability."

I never made any application to be restored, never made any trial to do it, and the only object I have in coming is to show that dismissals were made without cause.

Soon after I was discharged I ciphered up, as near as I could, the

number of dismissals that were made, even at that time, under President Cleveland's second Administration, and I made it about 4,000 here in Washington alone. In conversation with Mr. McGee, the secretary of the committee of which Mr. Babcock was chairman, he said that that did not by any means equal the number who were discharged. That is all I have to say.

Mr. PROCTER. What is your age, please?

Mr. WINES. I am 83 years old, sir, but hearty and hale and never had any sickness.

Mr. PROCTER. You made no complaint to the Civil Service Commission that your dismissal was for political reasons?

Mr. WINES. No, sir; I did not, because I did not think there was any use in doing it.

GOVERNMENT PRINTING OFFICE.

TESTIMONY OF S. P. DONOVAN.

S. P. DONOVAN, being duly sworn, testified as follows:

The CHAIRMAN. Where do you reside?

Mr. DONOVAN. I reside in Washington.

The CHAIRMAN. What is your occupation?

Mr. DONOVAN. I am a compositor.

The CHAIRMAN. Where are you employed at present?

Mr. DONOVAN. I am not employed. I have not worked at my trade for some time.

The CHAIRMAN. We shall be glad to hear any statement you may wish to make bearing on the question into which we are inquiring.

Mr. DONOVAN. Last September I took the civil-service examination for the Government Printing Office as a compositor, and November 25 I was notified that I had passed with a general average of 94. December 7, or somewhere thereabouts—the 1st of December, probably—I received a letter from Mr. Baker, secretary of the Public Printer, asking me if I would accept a temporary appointment in the Government Printing Office, and I told him I would. On December 7 I went to work. I was appointed to the specification division, and after I had entered the office—of course I was a stranger to Government work; I had never worked in the Government Printing Office before, and I had been out of employment then for about seven months—noticing the peculiarity of the work, its many technicalities, and all that sort of business, I asked several of the men there if a man was expected to do the required amount of work in that division at once. I understood that Mr. Benedict required every man to perform so much work a day. They told me no; that, owing to the many peculiarities and technicalities in specification work, a man was allowed from three to six months to become thoroughly familiar with the work before they expected him to keep up with what they call their "average."

I was discharged in nine days, very much to my astonishment and the astonishment of every man who worked in the alley with me. After the office was closed that evening I went to Mr. Oyster and asked him if he was a practical printer. He said "yes." "Well," I said, "do you think I have received a fair trial under the condition of things?" I said, "I have been out of employment for this length of time. You know all the peculiarities of this work. I understand that men are allowed

three months, and some say six months, to become thoroughly familiar with the work." He admitted, to make the matter short, that the trial was an unjust one, but at the same time he said: "I have nothing to do with this, Mr. Donovan; Mr. Benedict is the man who does the discharging in this office, and while I am sorry to put you off, I have to do it. I have to carry out orders."

In the meantime I want to state that although I was put off in nine days, I really worked there twenty days. I heard afterwards that the reason why I was allowed the other ten or eleven days was because Mr. Benedict was out of the city. If he had been in the city I would have been discharged at the end of the nine days.

Mr. Oyster, among other things, told me there was a marked improvement in my second ten days' work, and he admitted that every printer, which all printers will admit, when out of work will naturally lose his speed temporarily. Of course he picks it up again in a few weeks. I said, "That is the sole reason why I am discharged, because I did not set as much type as the other man?" He said "Yes, sir." He expressed his regret, and I asked him if he could not send the extra ten days' work down to the office and have Mr. Benedict rescind his first action, owing to the fact that I had made such marked improvement. "No," he said, he could not do anything like that. I said, "Will you allow me to see my extra ten days' work?" He would not allow me to see it.

I went from the office and went to Mr. Baker, private secretary. I told him the conversation between Mr. Oyster and myself. He expressed great surprise, and told me that Mr. Oyster was the man who recommended my dismissal, and said it was a very peculiar thing for Mr. Oyster to regret to do what he had recommended should be done. I asked him if it was advisable to see Mr. Benedict. He said no, he did not think seeing Mr. Benedict would do me any good; that it might do me harm. Disregarding his advice, I went to see Mr. Benedict the next morning. When I went into the office I started to tell him I was one of the unfortunate young men who were put off. I believe there were two or three others put off with me. He stopped me in the middle of the remark. He said, "Mr. Donovan, I do not want to listen to any tale of destitution or woe. This is not a charitable institution; this is a printing office." I said, "Mr. Benedict, I do not wish to tell you any tale of destitution; I just wish to talk business."

So I told him of the peculiar nature of the work in the specification room, and the fact of my being out of employment for seven months, which necessarily made me slow in my work, and all that sort of business. When I got through he said, "Mr. Donovan, I do not know how much work you did, or how little. All I know is that my foreman recommended your dismissal, and I dismissed you." Now, of course, the force of that remark seems to be very apparent. If the foremen of the various divisions of the office under Mr. Benedict simply had to go to the front and recommend a dismissal and you are dismissed without any cause whatever, it seems that a printer has no practical protection under the civil-service law at all. He could pass the civil-service examination one day and the next day be put out on the recommendation of the foreman.

The CHAIRMAN. Did you call this matter to the attention of the Civil Service Commission?

Mr. DONOVAN. No, sir; I did not. I then tried to get Mr. Benedict to give me two more weeks' trial. He said he would not do it. He said he did not know what it was that stopped him from venting his

indignation on me at the effrontery I had in asking for a position after being out of work so long. I told him, "Mr. Benedict, I think that is the time for a man to ask for employment, when he is out of work. If I was working I would not ask for it." He seemed to think because I had been out of employment so long I had no business to ask for a place in the Government Printing Office.

I then asked him, "Will you allow me to work in the other departments? If you think I can not do specification work, allow me to work in one of the other departments." He said no; that would only be running down the hill after running up. So I asked him if the temporary appointment affected my standing on the civil-service list and drove me out of the service altogether. He said no, it did not. He did not think it affected my standing at all.

He then said to me, "Mr. Donovan, I presume you thought because you passed the civil-service examination I was compelled to give you a position and was compelled to keep you here." I said, "Mr. Benedict, no, sir; I did not think that, but I thought I would have a little more chance to establish my reputation as a printer than I otherwise would have. I have worked at various printing offices before I came here and always gave satisfaction." He said, "I want you to understand that the civil-service examination, as far as I am concerned, does not amount to anything. You have got to pass my examination, and if you do not pass my examination you have to get out."

I then asked him once more if he would not give me another chance, and he said "No." He said, "Now, Mr. Donovan, you have made a mistake in coming to see me. As long as I have been in this office there have been printers working here for years whom I do not know, but I know you; you have been in to see me, and I know you." I do not know what he meant by that remark except that he would see to it that I would not get in again; that he had seen me and knew me personally, and had had a look at me, and I would never have a chance to get back. That was the idea.

I saw that there was no use to argue the matter any further with Mr. Benedict, and I simply bid him good morning and walked out.

After that several friends of mine advised me to go to the Civil Service Commission, and I told them that I did not think I could do anything individually. Probably if I had some friend with me who had influence I might be listened to, but I did not like to undertake it alone. So I did not go. But I went to the Civil Service Commission afterwards and asked about my standing, and I was informed that it did not affect my standing in the least; that I was still eligible.

The CHAIRMAN. Still on the eligible list?

Mr. DONOVAN. Yes, sir; still on the eligible list. I made up my mind that I would not go to the Civil Service Commission, but that I would simply wait for a change of Administration, and I waited.

In the meantime, I might remark that several of the printers in the specification division, after my peremptory dismissal, asked me if I had any influence behind me. I said no; that I had simply come in on the merits of my examination. They immediately declared that that was the reason why I went out so suddenly. They said they never heard of a man being dismissed in such a short time, not only in the Government Printing Office, but in any other office.

I came to the conclusion that I would wait until a change of Administration. I thought probably I would fare better. I did not make any extraordinary effort to get any influence, but I did happen to know

slightly the Congressman from my district—the Third Maryland district. Thinking that it might do some good after the last experience I had, I went and explained to him how I was put out and said I still stood an eligible on the civil-service list, and asked him to recommend me as a worthy young man to the Public Printer; not to force me in there, but when appointments were made to see that I was one of the number, because I knew I was eligible, and probably at the head of the list. Ninety-four is a very high average, I understand. I have heard that I was at the head of the list. I do not know whether that is true or not. The Congressman said he would; that he would see the Public Printer and put in a good word for me, or something of that kind.

So a short while ago, about the 1st of June, there were twenty-five or thirty, I understand—there might have been fifty—appointments made in the Government Printing Office. Among them were several friends of mine, personal friends, who had passed the examination much lower than I had. Naturally they came to me and asked me if I had an appointment. I said, "No; I have not." They said, "That is funny." They said, "I know you have passed ahead of me;" because I had shown them my papers and they had shown me their papers. I went down three times to see the Public Printer, but owing to public business or press of visitors ahead of me I had no chance to see Mr. Palmer. Finally my wife made up her mind to go down. My wife and sister went down one morning. They did not see the Public Printer, but they saw his private secretary. She asked why——

The CHAIRMAN. I suggest to you that anything your wife may have said to you about what the private secretary said to her would be incompetent. It would be competent for her to testify before the committee as to any statement made to her by the Public Printer or his private secretary. We can not admit a statement which you get from your wife. It would be mere hearsay.

Mr. DONOVAN. I will state that my wife and sister went there and had an interview with the private secretary. Leaving their statements out, after she came home I thought probably she was mistaken in the news she had received, and I made it my business to go to the Printing Office myself.

After three or four visits to the Printing Office I had an opportunity to see the private secretary, and I asked him how it was that I, who had passed——

The CHAIRMAN. What is the name of the private secretary?

Mr. DONOVAN. Mr. Ricketts, I understand. I asked him how it was that all these other men had been appointed, while I, who stood much higher on the list and was eligible, had not been appointed. He said, "Mr. Donovan, we did not know who you were. You had no application on file. You had no papers of any kind, and nobody knew you." "Well," I said, "that is a funny statement to make. I did not know that you had to be known to get an appointment." He then made some comment about the nine days' report that was sent in to Mr. Benedict, and I said, "Mr. Ricketts, I think you are a printer. There is no use arguing about that question; you know that was a farce." He kind of laughed and admitted it was a farce. I said, "Considering that this matter was a farce, do you not think I could be reinstated because of being unjustly dismissed?" He said, "No; your name has been certified to me three times, and your name is stricken off the list." He said, "You can not receive any appointment in the Government Printing Office."

The CHAIRMAN. Did Mr. Ricketts admit that your name had been certified there recently?

Mr. DONOVAN. Yes, sir; three times sent to them by the Civil Service Commission. I am not making complaint against the Commission. I am making complaint against the law. I think it is defective and no good.

The CHAIRMAN. What excuse did he give for not giving you employment?

Mr. DONOVAN. The only excuse he gave was that nobody knew me.

The CHAIRMAN. That was the excuse he gave; that they did not know you?

Mr. DONOVAN. Yes, sir; they did not know me.

I then asked Mr. Ricketts if the Congressman whom I had asked to go down to put in a good word or recommend me to the Printer had been there. He said no; that he had never seen him in the building. He said, "If he had been you would have been working now." So I presume that the reason why I did not get an appointment is because I had no influence behind me.

Senator HARRIS, of Kansas. You never said anything to the Civil Service Commission about your case?

Mr. DONOVAN. No, sir; I never said anything to the Commission.

The CHAIRMAN. I suggest that this is a very proper case, it seems to me, to be submitted to the Civil Service Commission for their consideration.

Mr. DONOVAN. I did not know whether there was anything in the civil-service law in regard to a man getting an appointment. I think I understood one of the Commissioners to say here the other day—last Saturday, probably—that there is nothing in the civil-service law which protects a man or keeps him in after he gets an appointment; that is, for any required length of time. If a man has a probationary appointment, for instance, for six months, he could probably be put out, as I understand, in six days or six hours, for that matter, if the Public Printer thought proper to put him out.

The CHAIRMAN. I should like to ask you one other question. Did Mr. Ricketts put it on the ground that your work under Mr. Benedict disclosed the fact that you were incompetent? Did he put it on that ground, or did he put it on the ground that you had no influence there to secure your appointment?

Mr. DONOVAN. His simple remark was that nobody knew me. The work was only mentioned incidentally. He said, "The only paper we have in regard to you, so that we knew anything about you, was a report left here by Mr. Benedict," which, of course, I knew meant the nine days' work in the specification room; and when he made the remark I said, "Mr. Ricketts, you know that no printer could go in there nine days and master the details of such complicated work as that in the specification division." There was attached to each man's frame a book of sixty pages of instructions to do the work, with pages as large as those of the Commissioners' report.

The CHAIRMAN. Did he assign as the reason for not appointing you that you had no influence?

Mr. DONOVAN. Yes, sir; that was the idea. I asked him why I was not appointed, and he said "because nobody knew you." Of course the only inference I could draw from that was that I had no influence.

The CHAIRMAN. Did he give the other as an additional reason, or did he merely refer to it?

DONOVAN. No, sir; he did not say that. In fact he gave me to from his remarks that it would be utterly impossible for me to there now, either with or without influence, because I was stricken he list. He said I was not eligible for appointment at all; that my name had been certified three times and turned down it red me ineligible, as far as the Government Printing Office was rned.

CHAIRMAN. You had been certified twice before that?

DONOVAN. I did not understand how I was certified three times. Civil Service Commission, through their letter, say, and so, also, erk told me, that the first appointment was simply nothing; it did mount to a certification. It was just simply a complimentary ntment. It was a sort of temporary force put on for three months. s not even a probationary appointment. Then, when I wrote and about it, they advised me as follows:

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., April 5, 1897.

: In reply to your communication of March 30, you are informed our name was entered on the register of eligibles as compositor, vember 25, 1896, with a general average of 94 per cent. On the day you were certified for temporary appointment and selected, p to the present time your name has not been reached for certifi- for regular appointment. During the past year only four persons regularly selected from this register by the Department of Agri- e.

direction of the Commission.

JOHN R. PROCTER, *President.*

SAMUEL P. DONOVAN,
736 Sixth street NW., City.

e has been made of your change of address.

t is the reply.

ator HARRIS, of Kansas. Had you any reason for not appealing Civil Service Commission to investigate the matter?

Senator HARRIS, of Kansas. It would not have been a great deal of trouble to have made the effort.

Mr. DONOVAN. I know that I have gone down there on one or two occasions, not in regard to this matter but to seek other information, and asked to see people there and I never could see them.

The CHAIRMAN. You have gone where?

Mr. DONOVAN. To the Civil Service Commission.

The CHAIRMAN. To whom did you apply?

Mr. DONOVAN. I do not know who the people were. They have a sort of janitor or somebody there at the door. I could not even give the dates. It was sometime ago, but whenever I went there I met with a disappointment by not being able to see the people I wanted to see. They were either too busy or something was going on and they could not be seen.

Mr. HARLOW. About what hour did you usually call at the office of the Commission?

Mr. DONOVAN. My recollection is about 11 o'clock.

Mr. HARLOW. Can you recall whether the doorkeeper stated that the Commission was in session in the board room?

Mr. DONOVAN. He may have said that; I do not know. I went there several times, but being disappointed and not being able to see the parties I went to see, I came to the conclusion that there was no use going again.

Mr. HARLOW. Did you apply for any particular officer—the Commissioners or the secretary?

Mr. DONOVAN. I believe once or twice I inquired for Commissioner Procter. My recollection is that they told me he was very busy at the time, or something like that, and could not be seen.

The CHAIRMAN. I should like to ask you how long you worked at the printer's trade. Did you serve a regular apprenticeship?

Mr. DONOVAN. I served a regular apprenticeship, and I have been in the printing business about seventeen years.

The CHAIRMAN. Are you a member of the printers' union?

Mr. DONOVAN. Yes, sir; I worked in nearly all of the leading book offices in Baltimore, such as Kelly & Piet, Murphy & Co., William J. C. Dulaney, the State printer, etc., and I worked here for seven or eight months on the World's Fair Commission work, which was considered very fine work.

I might say that this little record which Mr. Benedict has against me has wiped out my reputation of the past fifteen or sixteen years, so far as printers are concerned, apparently.

The CHAIRMAN. The fact that you have not had employment is not owing to any fault of yours; you have made efforts to secure work?

Mr. DONOVAN. I have made all sorts of efforts to get work. The printing business during the last few years has been very dull. Owing to the machine competition a great many printers have been out of work. It is a well-known fact among printers that when a printer is out of work six or seven months he gets rusty, and it takes him a little time to get back to form, as they call it. Even on newspaper or the commonest book work they lose their speed if they stop work when out of employment. If they started to set up the alphabet they could not set it as fast as they otherwise could. They lose their speed through idleness.

At 11 o'clock and 10 minutes p. m. the subcommittee adjourned until Thursday, July 8, 1897.

THURSDAY, *July 8, 1897.*

The subcommittee met at 10 o'clock a. m.

Present: Senators Pritchard (chairman), Chilton, and Harris, of Kansas; also Hon. John R. Procter and Hon. John B. Harlow, members of the Civil Service Commission, and Mr. G. R. Wales, of the Commission.

GOVERNMENT PRINTING OFFICE.

TESTIMONY OF OSCAR J. RICKETTS.

OSCAR J. RICKETTS, being duly sworn, testified as follows:

The CHAIRMAN. Where do you reside?

Mr. RICKETTS. I am residing in Washington at present. My home is in Charleston, Ill.

The CHAIRMAN. What is your present occupation?

Mr. RICKETTS. I am private secretary to the Public Printer.

The CHAIRMAN. We shall be glad to hear any statement you have to make with respect to the operations of the civil-service law in the Government Printing Office.

Mr. RICKETTS. I desire to make a statement regarding some allegations which were made at your hearing last Saturday by Samuel P. Donovan, who was at one time a temporary compositor in the Government Printing Office.

Along about the middle of May it became necessary, owing to the increased volume of Congressional work which was coming into the office, to add to the force of compositors there employed. The Public Printer instructed me to call upon the Civil Service Commission for a list of names from the eligible list from which to make selections. I called on the Civil Service Commission, as instructed by the Public Printer, and the list was furnished me—a list of 74 names, really 73 names—because one of the names submitted was of a person who is now deceased.

In making up the selections for employment I found that about 52 of the parties whose names appeared on the list were there at that time, temporarily employed in the Government Printing Office, or had, at some previous period, been employed there. So in making the selections I was guided solely by the idea or the aim to secure the best possible skill for the Government for the outlay.

The fifth name on that list is that of Samuel P. Donovan, of Maryland, who has a grade of 94 per cent, with the address 126 D street NE., Washington, D. C. When I reached Mr. Donovan's name, as I did with those which preceded it, I scanned the records to see if he had ever been employed in the office and what his record was for efficiency. I found that Mr. Donovan had been employed in the specification division from December 7, 1896, to December 30, 1896, and was dropped at 4.30 p. m. December 30, 1896, for inefficiency.

I have prepared here a statement of Mr. Donovan's record as a temporary compositor. The statement is made up from the official records on file in the office as I found them and as they were consulted before these selections were made.

I find that Mr. Donovan in the first nine days he was employed there set 24,900 type, straight matter. Reckoned at piecework rates, that would be $12.45 worth of type for those nine days, for which he was

paid at the rate of $3.20. So he received $28.80, or, reckoned at piecework rates, he received $16.35 more than he earned, of course omitting the blank allowed to pieceworkers, which would increase his earnings perhaps one-fourth more. In the first nine days I saw he had three first proofs noticeably bad and number of errors failed to correct, one. I see on page 336 of the testimony in last Saturday's hearing Mr. Donovan says:

> I was discharged in nine days, very much to my astonishment and the astonishment of every man who worked in the alley with me.

I have the records here, which show that Mr. Donovan was not dismissed in nine days, but that he continued in the service until December 30, at 4.30 p. m., when he was dropped, making a total, jumping Sundays and Christmas holidays, of twenty days in which he was employed. I thought that was a fair length of time by which to demonstrate a man's efficiency, and, considering the poor showing that Mr. Donovan had made during that period, I rejected his name. There was no other consideration entering my mind in connection with the matter.

The CHAIRMAN. What do you say was the total number of ems set by Mr. Donovan during the entire period?

Mr. RICKETTS. During the twenty days?

The CHAIRMAN. Yes, sir.

Mr. RICKETTS. The total number of ems set by Mr. Donovan was 65,000. The average number of ems per day would be 3,250. Number of first proofs noticeably bad, three. Number of errors failed to correct, four. Adding the blank, which would be allowed at piecework rates, his earnings for the twenty days would be $2.16 per day. For that he was paid $3.20 per day for each day employed. Consequently, I did not feel justified in selecting him. I did not think the Government would be repaid by having such a man in the service, and I rejected his name. I would be glad to answer any questions in connection with the matter.

The CHAIRMAN. I understood Mr. Donovan last Saturday to state that you told him the reason why he was not appointed was that he did not have any political influence to back him.

Mr. RICKETTS. I have read Mr. Donovan's statement in that regard. I will say that Mr. Donovan came to see me one morning at my office. He said his name was Donovan; that he had taken the civil-service examination in September, 1896, and had attained an average of 94 per cent; and he had been informed by some acquaintances of his that they had received probationary appointments in the Government Printing Office. He said he knew that he stood higher on the list than they, and he wondered why he had not received an appointment. I said, "Mr. Donovan, I will be very frank with you and tell you why you were not appointed." I said, "In making these selections I consulted the records of the office and I found you had made such a poor showing here when you were employed in December that I did not feel the interests of economy in the administration of the office would be subserved by selecting you." Then he intimated that perhaps there might be some other reason why he was not selected. I said, "Mr. Donovan, there could not have been any other reason, because I had no personal knowledge of you any more than I had of any other man on the list. I simply had to take the records of the office as they appeared on file here." Then he asked me if some Congressman had been there in his behalf. I replied that I knew nothing of it; that it would have done

him no good even if he had come; that a Congressman could not obliterate the record as it appeared there.

The CHAIRMAN. As I understand you, influence is not necessary to secure an appointment when the person seeking appointment is on the eligible list.

Mr. RICKETTS. No, sir; influence is totally unnecessary. In fact, it would be illegal to consider the matter of influence.

The CHAIRMAN. How many times has Mr. Donovan been certified since you have been private secretary to the Public Printer?

Mr. RICKETTS (exhibiting). I have the certifications here. Of course in selecting the 52 men it became necessary to pass Mr. Donovan's name over entirely. His name first appears on certification No. 166, dated May 15, 1897. These certifications are numbered from 164 to 213, inclusive, and they are the certifications covering the employees who were selected at that time. Consequently, Mr. Donovan's name occurs on three certifications, and he was rejected.

The CHAIRMAN. If you have the certifications there, we would like to see them.

Mr. RICKETTS. Yes, sir. Do you just want to look at them?

(The certifications were handed to the chairman.)

Senator HARRIS. Were any other names passed over that were on the list besides Mr. Donovan's?

Mr. RICKETTS. Yes, sir; there are 72 or 73 names on the list. Of those 73 names I selected 52 persons—52 compositors.

Senator HARRIS. Were there other names rejected for the same reason, that is, because of a former unsatisfactory record?

Mr. RICKETTS. Yes, sir.

Senator HARRIS. And all who were selected had former satisfactory records in the sense of earning more than their pay amounted to?

Mr. RICKETTS. I can not say that they earned more than their pay amounted to.

Senator HARRIS. But you applied the same rule that you applied in Mr. Donovan's case in estimating the value of services?

Mr. RICKETTS. I can say that they had a better record than Mr. Donovan, so far as it appeared in the records on file in the office.

Senator HARRIS. And some of them, possibly, did not earn as much as their per diem amounted to.

Mr. RICKETTS. Yes; that is counting the straight type. In the specifications, on piecework, of course they are allowed blank.

Senator HARRIS. What I want to get at is, whether you applied precisely the same rule to all?

Mr. RICKETTS. I applied precisely the same rule to everyone I selected.

Senator HARRIS. And while some of them might not have come up to Mr. Donovan's standard, yet you selected them?

Mr. RICKETTS. Well, the quantity might not have been enough to entitle them to $3.20 per day, and yet the quality of their work was of such a character that it demonstrated that they were good printers, therefore I selected them.

Senator HARRIS. Then some other consideration enters into it besides the relative amount of the earnings and the pay?

Mr. RICKETTS. Yes, sir; we consider the relative amount of the earnings, the quality of the work, and the general efficiency of the employee.

Senator HARRIS. The general efficiency would be principally determined, I suppose, by the relation between the earnings and the pay?

Mr. RICKETTS. Well, that is one of the principal considerations. Of course we do not feel that it is doing the right thing to pay a man $3.20 per day if he earns only $1.75 per day.

Senator HARRIS. Do you regard the twenty days' period mentioned by you as a sufficient length of time or the time generally used to determine a man's capacity for work there?

Mr. RICKETTS. I would regard that as a fair trial.

The CHAIRMAN. Were there any names left on the list the last time after you had reached the name of Mr. Donovan?

Mr. RICKETTS. Yes, sir. [Exhibiting.] Here is the entire list as it was given to me, and from which the selections were made. Mr. Donovan's name appears early. He is the fifth man on the list out of 73 names.

Senator CHILTON. I understand that you are the secretary of the present Public Printer, Mr. Palmer?

Mr. RICKETTS. Yes, sir.

Senator CHILTON. When were you appointed to that place?

Mr. RICKETTS. I entered on my duties on the 7th day of April, this year.

Senator CHILTON. At what time did you call for these names—the 52 names—or whatever the number?

Mr. RICKETTS. There were 73 names.

Senator CHILTON. Called for?

Mr. RICKETTS. Yes, sir; I called for them about the 15th day of May.

Senator CHILTON. The Commission sent you in the certifications immediately?

Mr. RICKETTS. Yes, sir; they did. They dated them on the 15th.

Senator CHILTON. There were three names on each one of these certificates, I understand?

Mr. RICKETTS. Yes, sir.

Senator CHILTON. Did you select one name from each of the certificates?

Mr. RICKETTS. Yes, sir. From some of them I selected two names.

Senator CHILTON. Did you fail to select one name from any of them?

Mr. RICKETTS. No, sir.

Senator CHILTON. You selected at least one name from each one of the certificates?

Mr. RICKETTS. You have to select one from each certification.

Senator CHILTON. How many did you select in all?

Mr. RICKETTS. Fifty-two.

Senator CHILTON. Here is the certification on which Donovan's name is found. [Exhibiting.] Is that the only certification on which his name is found?

Mr. RICKETTS. No, sir; you will find it on three certifications.

Mr. PROCTER. What is the number of that certification?

Mr. RICKETTS. It is No. 168.

Senator CHILTON. Do I understand you to say that Donovan was the seventh man in the grade of all the 73? I do not know that I caught your statement. You said something about his being the seventh, I think.

Mr. RICKETTS. I said he was the fifth on the list of names submitted to me.

Senator CHILTON. Do you mean the fifth in grade, or merely in order?

Mr. RICKETTS. Yes, sir; the fifth in order of standing. The names are certified by the Civil Service Commission in the order of standing.

Senator CHILTON. And he was the fifth of all those seventy-odd names?

Mr. RICKETTS. Yes, sir.

Senator CHILTON (exhibiting). Take that list, for instance. Did you select any man on the particular certification you have in your hand?

Mr. RICKETTS (examining). Yes, sir; I selected one name here.

Senator CHILTON. What name did you select?

Mr. RICKETTS. Willis R. Ruggles.

Senator CHILTON. From what place?

Mr. RICKETTS. From Brookings, Brookings County, S. Dak.

Senator CHILTON. You selected the man who appeared on the list with the lowest grade of standing of the three, did you not?

Mr. RICKETTS. Yes, sir.

Senator CHILTON. On what principle did you select Mr. Ruggles instead of the second man? You mentioned the reason why you did not select Donovan.

Mr. RICKETTS. Who is the second man?

Senator CHILTON. Asbury A. Abney.

Mr. RICKETTS. Of course I did not select Donovan, because he had made a poor showing.

Senator CHILTON. I understand your reason for rejecting Donovan.

Mr. RICKETTS. As to the man Abney, taking his examination papers, going over the statements that he made therein, I was not satisfied with the experience he had had as a printer so as to select him in preference to a man who was then working in the office. Ruggles was already employed in the office.

Senator CHILTON. At that time, or had he been employed in time past?

Mr. RICKETTS. He was at that time employed temporarily, you understand.

Senator CHILTON. When was Ruggles temporarily employed?

Mr. RICKETTS (examining). He was employed from the 12th of December.

Senator CHILTON. Did you make any inquiry from anybody about the different names that were on these lists to find out the one you would select? Did you make any personal inquiry?

Mr. RICKETTS. No, sir; I only took the records as they appeared in the office.

Senator CHILTON. Did you consult with anybody about them? Did you consult with any Senator or Representative about any one of these names out of the 52 you selected?

Mr. RICKETTS. No, sir.

Senator CHILTON. You never had any conference with any Senator or Representative, or with any other person about it?

Mr. RICKETTS. No, sir.

Senator CHILTON. Did you know anything about the politics of either one of them?

Mr. RICKETTS. I did not know anything about the politics of either one unless by acquaintanceship.

Senator CHILTON. Did you know anything about the politics of this man Ruggles?

Mr. RICKETTS. I did not know.

Senator CHILTON. Do you know yet?

Mr. RICKETTS. I have heard since.

Senator CHILTON. Have you heard since about the politics of any of the other men mentioned here?

Mr. RICKETTS. Of Donovan?

Senator CHILTON. No; of any of the 52 men you selected.

Mr. RICKETTS. Of any others of the 52 men?

Senator CHILTON. Yes, sir.

Mr. RICKETTS. I can not say that I have had any direct knowledge as to politics. In fact, politics was not considered.

Senator CHILTON (exhibiting). Tell me who was selected on that list.

Mr. RICKETTS (examining). I will say that Mr. Weston was selected from that list—Mr. Fred. F. Weston, of Winterset, Iowa.

Senator CHILTON. This list appears to have three names on it: Muscoe R. Pace, 90.80. That was the best grade. William G. White, 90.60. That was the next best grade. Fred. F. Weston, 90.55. Mr. Weston, who had the lowest grade on the list, was selected. What was the principle on which those two men were set aside and Weston selected?

Mr. RICKETTS. Mr. Weston had had previous experience in the office.

Senator CHILTON. Had either of the other men had previous experience in the office?

Mr. RICKETTS. No, sir; I could not find any record of their experience. Mr. Weston had worked there temporarily, or had been put on temporarily with these other men in December.

Senator CHILTON. He was on at that time temporarily?

Mr. RICKETTS. He was out of office at this time. I consulted the records and found that he had left in a couple of months, I believe, after he had been first assigned there temporarily. He had left because of sickness in his family in Iowa. He had gone back to Iowa.

Senator CHILTON. Do you know the politics of Mr. Weston?

Mr. RICKETTS. No, sir.

Senator CHILTON. You had never heard anything about him?

Mr. RICKETTS. No, sir; I had never heard anything about him.

Senator CHILTON (exhibiting). Tell me which one was selected on that list.

Mr. RICKETTS (examining). George H. Stull was selected, and T. Howard Gosorn was also selected. I do not know whether Mr. Gosorn was selected on this certification or on the following one. He was selected, however.

Senator CHILTON. Had both those men worked in the office before?

Mr. RICKETTS. They were working there at the time.

Senator CHILTON (exhibiting). Which one was selected on that list?

Mr. RICKETTS (examining). From that Alfred Reed, who was at that time temporarily employed, was selected. Benjamin P. Craig, who was also employed at that time temporarily, was selected.

Senator CHILTON. William F. Hess was not selected?

Mr. RICKETTS. No, sir.

Senator CHILTON (exhibiting). Tell me who was selected on that list.

Mr. RICKETTS (examining). I can say of those three men that they were all selected; but they were not selected on the one certification. They were all three at the time temporarily employed in the office.

Senator CHILTON (exhibiting). Tell me about that list. Who was selected on that list?

Mr. RICKETTS (examining). Mr. Paul Gabel was selected from that list. He was at the time temporarily employed in the office.

Senator CHILTON (exhibiting). Tell me who was selected on that list.

Mr. RICKETTS (examining). Mr. William M. Sipher, of Iowa, was selected. Mr. Samuel B. Ragland was selected.

Senator CHILTON. Had they been temporarily employed?

Mr. RICKETTS. Mr. Ragland was temporarily employed. Mr. Sipher was not. In going over the examination papers I found that Mr. Sipher

had had a large experience as a printer, as a foreman and all-around printer, and I thought from the experience he gave that he was a good man, and I selected him.

Senator CHILTON. You say that nobody had ever spoken to you about Mr. Sipher?

Mr. RICKETTS. I have no knowledge of anybody speaking to me about Mr. Sipher or any other man on the list.

Senator CHILTON. State positively about Mr. Sipher. You say that you have no knowledge of speaking to anybody about him, but your expression seems to imply some doubt.

Mr. RICKETTS. I can say that I do not remember that anything was ever said about him.

Senator CHILTON. By anybody?

Mr. RICKETTS. By anybody.

Senator CHILTON. By neither the Public Printer nor anybody else?

Mr. RICKETTS. By neither the Public Printer nor anybody else.

Senator CHILTON. Nor was any letter written to you about him?

Mr. RICKETTS. No, sir; perhaps there might be a letter there. I do not know of any letter. I never saw any.

Senator CHILTON. I should like to know what proportion of the selections which you actually made were made from men who were temporarily employed in the office.

Mr. RICKETTS. Seventy-four names were submitted—73 names, because one was the name of a man, Mr. William Wilson, of the District of Columbia, who was dead. I will say that of the 73 names there were, if my recollection serves me right, 35 or 36—I am not positive, one or the other—who were employed in the Office at the time.

Senator CHILTON. You did not select the names of all the men who were certified to you who were employed in the Office at the time?

Mr. RICKETTS. No, sir.

Senator CHILTON. How many did you fail to select who were among those certified and who were employed in the Office?

Mr. RICKETTS. I think there were five or six.

Senator CHILTON. Donovan was one of them?

Mr. RICKETTS. No, sir; he was not at that time employed.

Senator CHILTON. Do you remember the names of the others?

Mr. RICKETTS. I do not remember the names, but I can find them here.

Senator CHILTON. I wish you would just find them for me. Look over the list and give the names of those who were employed in the Office at that time who were not selected by you.

Mr. RICKETTS. Yes, sir. [Examining.] There is Melancthon Usaa, of Pennsylvania. He was employed in the Office at that time, and had made such a poor record that I did not feel justified in selecting him.

Senator CHILTON. Well, the next one.

Mr. RICKETTS. Let me see. [Examining.] There is G. W. Sheridan, of New York. He was rejected because of the poor showing he had made there as a temporary compositor.

Senator CHILTON. Well, the next one.

Mr. RICKETTS. Here is a man, Fred. S. Noyes, of New Hampshire. He was not employed at that time, but my recollection is that he had been employed there temporarily at a certain period. Fred. S. Noyes, of New Hampshire, was refused because he had made a poor showing.

Senator CHILTON. Well.

Mr. RICKETTS. Then I believe that George S. Bowen, of New Jersey,

was one. He was not at that time temporarily employed, but my recollection is that he had been at one time temporarily employed and had made a poor showing.

Senator CHILTON. Well.

Mr. RICKETTS. Then here is the name of James A. McIntyre, of Maryland. He had been at one time temporarily employed, but I did not select him.

Senator CHILTON. Why did you not select him?

Mr. RICKETTS. Because of his low record as a compositor.

Senator CHILTON. Because of his poor showing?

Mr. RICKETTS. Yes, sir; because of his poor showing. Here is Benjamin F. Goldsmith. I will not state positively that he was employed in the Office or had ever been employed, but my impression is that he was employed. I could not state positively at this time without consulting the records.

Senator CHILTON. Why was he not selected?

Mr. RICKETTS. My impression is that he was rejected because of unsatisfactory service.

Senator CHILTON. What State was he from?

Mr. RICKETTS. Mr. Goldsmith was from New York. Then there is Julian C. Pleasants, of Virginia. He also had made a poor record as a compositor. So far as I know, those are all the names of persons who had been employed or who were then temporarily employed and who were rejected.

Senator CHILTON. How many did you say were selected who had been previously employed?

Mr. RICKETTS. Either 35 or 36.

Senator CHILTON. Thirty-six from 52 would leave 16 who never had been employed, as I understand, in the office. I want you to give me the names of those who never had been employed who were selected by you out of those certifications.

Mr. RICKETTS. I do not know that I can state positively as to all of them, but I think I can give you some of the names. There is Thomas P. Holcraft, of Washington State. My recollection is that he had never been employed in the office. He has since declined a probationary appointment.

Senator CHILTON. He has declined?

Mr. RICKETTS. Yes, sir.

Senator CHILTON. Well?

Mr. RICKETTS. There is Stonewall J. Matthews, of California. If my recollection serves me correctly, he had never been employed in the office. There is Charles G. Rowan, of California. I could not state positively as to all these men, because my recollection may not serve me correctly as to all of them. I am simply giving my impressions.

Senator CHILTON. Have you not got any records at hand that will enable you to state positively?

Mr. RICKETTS. No, sir; I have not got them at hand. Of course, the only way I can state accurately is by consulting the records on file in the office or their examination papers. In their examination papers they state their experience as mechanics.

Senator CHILTON. There is nothing on these certifications that would refresh your memory?

Mr. RICKETTS. No, sir; they are the same as these—the same names.

Senator CHILTON. Go over the list and state any more that you actually remember to have selected who had not been employed in the office. You need not state those whom you do not know, but if

there are any there you actually remember, who were not employed, give the names.

Mr RICKETTS (examining). I do not know. I could not do it as to that man, either. I am not positive about him. I would hesitate to say, without refreshing my memory.

Senator CHILTON. State in regard to any of those.

Mr. RICKETTS. Of course where they had been employed I am more familiar with that fact, because it was impressed upon my mind, but where they have not been employed I am not so familiar.

Senator CHILTON. You were connected with the office prior to becoming the secretary of Mr. Palmer?

Mr. RICKETTS. Yes, sir.

Senator CHILTON. Right along?

Mr. RICKETTS. No, sir; I was appointed by Mr. Palmer first in 1889, and I was separated from the service of the Government Printing Office by Mr. Benedict May 19, 1894. Then I was reinstated in December of the same year.

Senator CHILTON. In December, 1894?

Mr. RICKETTS. Yes, sir.

Senator CHILTON. Did you then continue in the Government Printing Office until the incoming of Mr. Palmer?

Mr. RICKETTS. Yes, sir.

Senator CHILTON. In what capacity?

Mr. RICKETTS. I continued as a compositor.

Senator CHILTON. Were you a compositor during Mr. Palmer's first incumbency or were you his secretary at that time?

Mr. RICKETTS. I was a compositor the greater portion of the time. Then I served as what is known as an imposer in printers' parlance.

Senator CHILTON. Then you had not been his secretary at all during his first term?

Mr. RICKETTS. No, sir.

Senator CHILTON. Did you make these selections by yourself or did you consult with Mr. Palmer about the names to be taken from the certifications?

Mr. RICKETTS. Where a man had a poor record in the office I would consult Mr. Palmer about it. I wanted to give the man the benefit of the doubt.

Senator CHILTON. Can you give any idea about the proportion of the names on the list out of the 52 that you selected about whom you consulted Mr. Palmer?

Mr. RICKETTS. No, sir; I could not give you any idea now as to the proportion.

Senator CHILTON. You are sure that you did not consult him about all of them?

Mr. RICKETTS. Of course I did not consult him in regard to everything concerning them. My instructions were to get good printers; to use my judgment in getting good printers.

Senator CHILTON. Out of the 36 or 35 who had previously been employed, will you state that all those men had better records there than the seven you rejected who had also been previously employed?

Mr. RICKETTS. I will not state that they had better records in every way, but it is my belief, from the inspection of the records in the office, and it was my impression, my judgment, that they were better printers than those who were rejected.

Senator CHILTON. Did you know the seven rejected men personally?

Mr. RICKETTS. No, sir.

Senator CHILTON. None of them?

Mr. RICKETTS. I do not know that I knew any of them personally.

Senator CHILTON (exhibiting). Look over this list. You see the names of Sheridan, Bowen, McIntyre, Goldsmith, and Pleasants?

Mr. RICKETTS. No, sir; I had no personal knowledge of them whatever.

Senator CHILTON. Or any of them?

Mr. RICKETTS. No, sir.

Senator CHILTON. Do you know anything about the politics of either of these men?

Mr. RICKETTS. No, sir; I do not.

Senator CHILTON. You never heard?

Mr. RICKETTS. I never heard.

Senator CHILTON. You do not know to-day anything about their politics?

Mr. RICKETTS. I do not know anything whatever.

Senator CHILTON. Do you know anything about the politics of the 35 or 36 who were selected?

Mr. RICKETTS. I have personal acquaintance with, I believe, three of them.

Senator CHILTON. Now, look at the list [exhibiting]. Have you personal acquaintance with only three?

Mr. RICKETTS. That is my recollection.

Senator CHILTON. Just name each man on that list whom you know personally, whether he was rejected or accepted.

Mr. RICKETTS (examining). I know Mr. John W. Usilton, and I know Mr. Shelby Smith, of North Dakota.

Senator CHILTON. Look over the list carefully. Follow it, name by name. I want to get the name of every man you know.

Mr. RICKETTS. Yes. [Examining.] Well, I know Mr. William K. Martin. I am not familiar with him, but I know him when I see him. I can say the same of Mr. Andrew McGarraghy. I know him when I see him. The same can also be said of William M. Keener. Mr. Keener I am not familiar with, but I know him.

Senator CHILTON. You know the man?

Mr. RICKETTS. Yes, sir; I know the man. I am acquainted with Mr. William E. Grimes. I believe that is the extent of my knowledge.

Senator CHILTON. Take those three whom you know personally. What is the politics of William E. Grimes?

Mr. RICKETTS. Mr. Grimes is a Republican.

Senator CHILTON. Take Usilton. What is his politics?

Mr. RICKETTS. Mr. Usilton has always been a Democrat, to my knowledge.

Senator CHILTON. Take Shelby Smith. What is his politics?

Mr. RICKETTS. Shelby Smith was a Republican up until the last campaign.

Senator CHILTON. What was he then? Do you know?

Mr. RICKETTS. He was generally known to have been a supporter of Mr. Bryan.

Senator CHILTON. Now, take William K. Martin. What is his politics?

Mr. RICKETTS. I do not know anything at all about his politics.

Senator CHILTON. Take Andrew McGarraghy. What about his politics?

Mr. RICKETTS. I am not sufficiently acquainted with him to know anything about his politics.

Senator CHILTON. You have not heard?

Mr. RICKETTS. I have not heard.

Senator CHILTON. Take William M. Keener.

Mr. RICKETTS. I am not sufficiently acquainted with him to know anything about his politics, and I have not heard.

Senator CHILTON. Are there any of those names there, any of the 35 or 36, whom you do not know at all, but whose politics you know?

Mr. RICKETTS. No, sir; I have not made any inquiry.

Senator CHILTON. That is not to the point; I do not ask whether you have made inquiry. Do you know the politics of any of those out of the 35 or 36? I do not want to know whether you have made inquiry or not, but state if you know the politics of any of those men on that list.

Mr. RICKETTS. I would not have any way of knowing if not being acquainted with the men themselves, and not having been apprised of their politics.

Senator CHILTON. Then I understand you to say that you do not know?

Mr. RICKETTS. I say that I have no personal knowledge of their politics.

Senator CHILTON. Have you ever heard anything about their politics?

Mr. RICKETTS. Well, I have no impression or recollection that I have.

Senator CHILTON. Did anybody ever say anything to you in person about this man Melancthon Usaa?

Mr. RICKETTS. No, sir; no person whatever.

Senator CHILTON. Did any person ever say anything to you about George W. Sheridan?

Mr. RICKETTS. No, sir.

Senator CHILTON. Did any person ever say anything to you about Fred. S. Noyes?

Mr. RICKETTS. No, sir.

Senator CHILTON. Did any person ever say anything to you about George C. Bowen?

Mr. RICKETTS. No, sir.

Senator CHILTON. Did any person ever say anything to you about James A. McIntyre?

Mr. RICKETTS. No, sir.

Senator CHILTON. Did any person ever say anything to you about Benjamin F. Goldsmith?

Mr. RICKETTS. No, sir.

Senator CHILTON. Did any person ever say anything to you about Julian E. Pleasants?

Mr. RICKETTS. No, sir.

Senator CHILTON. Did the Public Printer ever say anything to you about those men?

Mr. RICKETTS. No, sir; only as I showed him their records on file there in the office and consulted him with regard to some of them, and asked him what I should do about selecting them.

Senator CHILTON. No employee in that office ever said anything to you about any of those men?

Mr. RICKETTS. Well, I will say that I consulted the foreman of printing as to some of the men. He knew what a good printer was, and I asked him.

Senator CHILTON. Who is the foreman of printing?

Mr. RICKETTS. Capt. H. T. Brian.

Senator CHILTON. I understand you to state positively now that

there never has been any personal interview, or letter, or communication of any sort, direct or indirect, which brought to your attention the politics of any of the men whom you selected?

Mr. RICKETTS. I will state positively that in making these selections the matter of politics did not enter into the selection whatever.

Senator CHILTON. That was not my question, if you will excuse me. Has there ever been any communication, written or verbal, direct or indirect, to you in regard to the politics of any of the gentlemen whom you selected?

Mr. RICKETTS. Well, of course there would not be to me. There might have been to the Public Printer. I have no knowledge of anything of the kind.

The CHAIRMAN. Mr. Procter, do you wish to ask Mr. Ricketts any questions?

Mr. PROCTER. Yes, sir. Mr. Ricketts, I understand that out of 73 certifications you selected 52?

Mr. RICKETTS. Yes, sir.

Mr. PROCTER. Were all of the 21 remaining dropped after the third certification or were some left on the list?

Mr. RICKETTS. I could not state positively as to that; you can tell by a reference to the certifications.

Mr. PROCTER. Out of the 52 who were appointed upon probation on certification, how many have been dropped as not coming up to the required standard?

Mr. RICKETTS. There were, I think, perhaps six or eight; I can not state positively at this time.

Mr. PROCTER. Is there a book yet kept in the Public Printer's office in which the names of all the people who were appointed prior to the classification were entered and the names of the persons recommending them were placed opposite?

Mr. RICKETTS. There is an old book there; it has been there for some time, of course, to record the names of employees and the Congressional districts, with the names of the persons recommending them. That was before the civil service went into effect.

TESTIMONY OF ROBERT B. HASTIE.

ROBERT B. HASTIE, being duly sworn, testified as follows:

The CHAIRMAN. Where do you reside?

Mr. HASTIE. Thirteenth and I streets NW.

The CHAIRMAN. What is your occupation?

Mr. HASTIE. Printer.

The CHAIRMAN. We shall be glad to hear any statement you care to make.

Mr. HASTIE. I did not come prepared to make a statement. I would prefer to answer any questions you may see fit to ask me.

The CHAIRMAN. Do you know at whose instance you were supœnaed before the committee?

Mr. HASTIE. I do not.

The CHAIRMAN. Are you a member of the board in the Public Printing Office.

Mr. HASTIE. Yes, sir.

The CHAIRMAN. Please state what your duties are.

Mr. HASTIE. I am foreman in charge of the job division of the Government Printing Office.

The CHAIRMAN. I mean as a member of this board. What duties are you required to perform as a member of the board?

Mr. HASTIE. I have had no duties to perform during the last year and a half. While I was in charge of the Interior branch, I was frequently consulted by the examiner in chief as to the questions that should be asked of applicants or candidates. I was frequently called into the Commission room to look over the papers of the compositors.

The CHAIRMAN. Did you make that examination with a view to determining the character of the questions which should be put to applicants?

Mr. HASTIE. Yes, sir; that was the object in view.

The CHAIRMAN. You say it has been about a year and a half since you were called upon to perform this duty?

Mr. HASTIE. I think it is. It is over a year since; I might say nearly a year and a half.

The CHAIRMAN. Are you still a member of the board?

Mr. HASTIE. I am.

The CHAIRMAN. How many members constitute the board to which you belong?

Mr. HASTIE. I believe the board consists of seven members.

The CHAIRMAN. Are they all compositors?

Mr. HASTIE. I believe two of that number are pressmen; five are compositors and two are pressmen.

The CHAIRMAN. Mr. Collins testified before the committee, in his examination some time since, that he never was called upon to act on the board. Do you know any reason for the board refusing to call upon Mr. Collins to act?

Mr. HASTIE. No, sir; I do not.

The CHAIRMAN. How long have you been engaged in the printing business?

Mr. HASTIE. About thirty-three or thirty-four years.

The CHAIRMAN. Are you a compositor?

Mr. HASTIE. Yes, sir.

The CHAIRMAN. Have you any suggestions to make with respect to the operations of the civil-service law in the Printing Office, as to its modification or amendment, or anything of that nature?

Mr. HASTIE. I have not. I think the law is entirely satisfactory as it is at present administered in the Printing Office, so far as my division is concerned.

The CHAIRMAN. You do not think it could be improved upon, then, so far as your division is concerned?

Mr. HASTIE. I do not.

Mr. PROCTER. You were called in frequently, I understood you to say, by Major Webster, our then chief examiner, to consult with the board as to the character of the examinations?

Mr. HASTIE. Yes, sir; and also as to the examination of the papers.

Mr. PROCTER. Yes; and to examine the papers. Were not suggestions made by your board, as to the character of the examination, usually adopted?

Mr. HASTIE. I believe they were.

Mr. PROCTER. Were not any modifications that you suggested in the way of improving the examinations adopted?

Mr. HASTIE. They were, sir.

Mr. PROCTER. Do you think that the examinations are of such a character as to bring out the qualifications of the persons for efficient service in the Printing Office.

Mr. HASTIE. I do.

Mr. PROCTER. Do you know anything of the character of the people who have been certified from the examinations?

Mr. HASTIE. I do not.

Mr. PROCTER. Have you had opportunity of testing them in the Printing Office—I mean the people who have been appointed from the examinations?

Mr. HASTIE. I have two in my division, and they are very satisfactory; in fact, above the average.

Mr. PROCTER. If any modifications were suggested by your board, or if any modifications were suggested by the Public Printer, it is understood that your board would be called in consultation on those modifications?

Mr. HASTIE. I presume it would.

Mr. PROCTER. And the reason why it has not been called in lately is that the Commission has practical printers on its force, and is carryidg out the scheme which you gentlemen, representing the Printing Office, have indicated.

Mr. HASTIE. I believe that is the case.

The CHAIRMAN. State what you know of your own knowledge.

Mr. HASTIE. I can not state from my own knowledge because I have been removed from the scene of observation and in fact shut away from the world.

Mr. PROCTER. Is it your opinion that a rigid application of the civil-service laws would improve the character of the work in the Government Printing Office?

Mr. HASTIE. It is; I believe it would.

The CHAIRMAN. Do you know anything as to the politics of the members of the board to which you belong?

Mr. HASTIE. I believe I know the politics of all of them.

The CHAIRMAN. Please state if you know their politics. A question has been raised here as to that point.

Mr. HASTIE. Coming down to Mr. Marston, I believe he is a Republican. Mr. Collins, I believe, is a Republican, and Mr. Harold Benedict, who has been removed or has resigned, is a Democrat, and my politics is that of a Democrat. Mr. McNeir is supposed to be a Democrat, living in the District of Columbia all his life.

The CHAIRMAN. Do those gentlemen constitute the board?

Mr. HASTIE. There may be one or two others.

The CHAIRMAN. You do not know as to the other gentlemen on the board?

Mr. HASTIE. Those I have named constitute the board at the present time.

Mr. PROCTER. Was it indicated to you by Major Webster, at the time you were appointed, that you were appointed partially because you were in charge of the printing of the Interior Department and were convenient to the Commission for reference, for calling in, being only a block away?

Mr. HASTIE. Yes, sir; that, I presume, was the reason why I was appointed.

SPECIFICATIONS DIVISION.

TESTIMONY OF E. W. OYSTER.

E. W. OYSTER, being duly sworn, testified as follows:

The CHAIRMAN. Where do you reside?

Mr. OYSTER. I reside in this city—1347 Columbia road.

The CHAIRMAN. What is your occupation at present?

Mr. OYSTER. I am a printer by trade, and the position I hold at

present is that of foreman, or assistant foreman in charge, of the specifications division of the Government Printing Office.

The CHAIRMAN. You may make any statement you desire.

Mr. OYSTER. Mr. Chairman, I believe the question asked other witnesses is their opinion of the application of the civil-service laws and rules to the Government Printing Office, and whether or not the application of those rules is beneficial to the public service.

The CHAIRMAN. That is what we wish to inquire into.

Mr. OYSTER. I will state that I have given considerable time to the study of the question of public printing. I have been employed in the Government Printing Office, off and on, at different times, probably for fifteen or sixteen years, and I have taken great interest in the matter, because the positions I have held in the office have enabled me to see that the old system of conducting the office was very defective; that it was detrimental to the public interest, in that it very largely increased the cost of the public printing by the discharge of good, faithful, and efficient workmen through political influence and the employment in their places, through the same influence, very often of very inferior and inefficient men in comparison with those discharged.

I first went to the Government Printing Office as a compositor in 1867. I will say that I came to the city after I served five years' apprenticeship. I ran away from home and went into the Army, and when I came out I came to Washington, after the war, in January, 1866. At that time I did not come here with an appointment in my pocket for the Government Printing Office; in fact I did not know there was such a place as a Government Printing Office until after I arrived in this city, and my first experience as a compositor or printer in Washington was on the Congressional Globe. Then the proceedings of Congress were printed by contract at the Globe office on the avenue.

In 1867, as I stated, I went into the Government Printing Office as a compositor. After serving there about six months, I went to the War Department, the printing office, or rather the Adjutant-General's printing office, and stayed there something like two years, when I resigned. I was in the general service at that time, an enlisted man, and assigned to duty in the Adjutant-General's printing office as a printer. I resigned from that place to go back to the Government Printing Office as a compositor on specifications, in the same division of which I now have charge, for the reason that they worked by the piece and a printer could make very much more money than I was making in the general service.

I worked in that division six years as a compositor, about three years on piecework and about three years on time work or by the day. I resigned from the Printing Office at that time to take charge of the Rebellion Record Office, a newly established office in the War Department, where the history of the rebellion was being printed. I remained there just eleven months, when I resigned to take the position of foreman of the Congressional Record, in the Government Printing Office, under Public Printer Defrees, and that position I held for a little over four years, probably four years and four months, when Mr. Defrees removed me from the position.

I returned to the Government Printing Office in October, 1886, when Public Printer Benedict appointed me as the assistant foreman in charge of the division of which I have charge at the present time. Mr. Palmer, soon after he came in, three or four months afterwards, removed me, and Mr. Benedict restored me or reinstated me in the position on his return to the office, and I have been there since that time in charge of this division.

The positions I have held in the office have enabled me to see the

defects of the old system. I have devoted a great deal of time to studying up the history of public printing. I have read up all the documents that I could get hold of and the debates in Congress before the Government Printing Office was established, pointing out the defects of the old contract system and the reasons which Senators and Members advanced for the establishment of the Government Printing Office.

I will state right here that the object in establishing a Government Printing Office, as shown by the official records and debates in Congress and the reports of committees, was to get an office where the public printing could be done by the Government and be removed entirely from partisan politics and from spoilsmen, because that is what the old system of executing the public printing was, if you can rely upon the Congressional reports and debates.

The gentleman who introduced, as a substitute for a pending bill in the House, the measure for establishing the Government Printing Office pointed out all the defects of the old system, and the benefit that would come to the Government by establishing a Government Printing Office; and one of the statements that he made was that there was no attempt to gain a party advantage by the establishment of a Government Printing Office, and that he hoped no bill would pass either House of Congress establishing one which had even the smell of partisanship about it.

That was the object in establishing the Government Printing Office, to get a printing plant which would be conducted precisely as a private printing office was conducted, from a business standpoint.

The CHAIRMAN. We understand that. Please get down to your statement bearing on the question before the committee.

Mr. OYSTER. Now, so far as the application of the civil service to the office is concerned, I say, from the experience I have had with it and the experience I have had with the civil-service people sent to my division—and I have had a very large number of them, probably a larger number than any other division in the office—that it is very beneficial to the public service and it is a very great improvement over the old system. It would be a backward step, and in my judgment almost a calamity, to overthrow the present application of the civil service to the office unless the office was to be conducted on business principles exactly as a private printing office is conducted; that is, that the Public Printer be left entirely free from political influence. There should be no indorsements by Senators and Members, no pressing upon him people who want employment there, or pressing other people out who are good and faithful workmen; that Mr. Palmer should be left free just as a private employer is left free to say to his foreman "Now, I put you in this position, and I want you to conduct that room on business principles. I want no favoritism whatever. I want the best possible results that can be obtained by the employment of good and faithful and efficient workmen." I say unless the civil service is to be abolished for that kind of a system, then it would be a calamity to the public service to remove the civil service from the Public Printing Office.

Before proceeding to give details on the records of the people in my division, I desire to refer to one statement made by Mr. C. P. Rhodes. He said on page 311 of the printed testimony:

> I understand from the statement made by Mr. Procter, I believe two weeks ago to-day, that Mr. Oyster, Mr. Marston, and several others employed in the Government Printing Office had a good deal to do with formulating the questions put by the Civil Service Commission. Those men are all Democrats.

If I were to swear that I am a Democrat I think they would bring twenty Democrats here to swear that I am not one, and never have been one. I would not swear that I am a Republican, because I make no such claim, but, as to Mr. Marston's case, I know him personally, and have known him for a great many years. I have worked with him off and on for the last twenty-five or thirty years, I guess, in this city, and I will say that he is a Republican, and always was a Republican. He has never pretended to be anything else than a Republican. He has always been the kind of a Republican who went home and voted, and when he went to vote I knew that meant a Republican vote. I never had any more doubt about the way he voted than about how I myself voted.

The CHAIRMAN. I did not catch clearly what you said about your politics. Are you a Democrat or a Republican?

Mr. OYSTER. I voted for Mr. Bryan in the last campaign. I supported President Cleveland three times. Prior to that time I voted the Republican ticket mostly, national and State.

The CHAIRMAN. For the last eight years you have been a Democrat?

Mr. OYSTER. I have never put on what might be called a partisan coat. I supported that party. I never joined a Democratic club or belonged to any Democratic organization in my life. But that is the way I voted when I voted. I merely wish to set Mr. Marston right here.

I desire to state that Mr. Marston was among the first discharged by Mr. Benedict when he came in the last time. I went to Mr. Benedict with Captain Brian and urged him to reinstate Mr Marston on the ground of his faithful and efficient service, and explained to Mr. Benedict that Mr. Marston was a Republican, and always had been a Republican, and had never pretended to be anything else. Mr. Marston was reinstated by the Public Printer with the full knowledge that he was reinstating a Republican in the office.

So far as concerns the statement that I had anything to do with the drawing up of the civil-service questions, Mr. Procter will bear me out that I was not consulted. I never had anything whatever to do with it. I did not prepare a series of questions, nor one question, nor a single word, nor present a figure. When asked several times about the character of the examination, all I would say was that the examination ought to be as practical as it was possible to make it. That is the only thing I have ever had to do with the questions.

In regard to the statement made by Mr. Donovan before the committee at the last meeting, I desire to say that my memory is usually very good, but that as to three-fourths or more of the statement made by Mr. Donovan with respect to his conversation with me, I have no recollection whatever, and it can hardly be possible, it seems to me, that I should have made any such statement to Mr. Donovan.

I wish to say that he was not discharged at the end of nine days' service, as I understood him to say had been recommended. I wish to say that I made no recommendation whatever in his case to the Public Printer nor to the private secretary of the Public Printer; that on the day he was dropped, or I was notified to drop him, I received a telephone message from the private secretary of the Public Printer to come down to the main office. My division is in the Union Building—the city post-office building. When I went down there he informed me that the Public Printer desired to drop five of the lowest men, the five lowest men that came into my division in the early part of December. This was on the

thirtieth day of December, in the afternoon. That was the first intimation I had that any of them would be dropped on that particular day.

I want to say here that I may have said to Mr. Donovan—if not, it was in my mind, and I think I said it to Mr. Benedict's private secretary—that I would have given him a little more time, simply to avoid the charge that he did not have a fair show, not with any idea that a man so low as Donovan would have come up to a fair standard afterwards by giving him a little more time, but simply to avoid the charge that he had not been given a fair show.

The CHAIRMAN. Do you think it was necessary to give him a greater length of time to test his qualifications or to enable him to regain his speed, as he says.

Mr. OYSTER. I do not think it was necessary, really. I would have given him two more weeks, however. It was the end of the turn in. We turn in once every two weeks, on Wednesday evening.

The CHAIRMAN. You think he had a sufficient time in which to demonstrate his fitness for the position?

Mr. OYSTER. Yes, sir; I think I can determine the fitness of a man in less time than Mr. Donovan had, if he does not show some skill in coming up to the requirements of our work.

I have samples of the intricate work Mr. Donovan talked about, and I venture to say there is not one printer in twenty who would take this and look at it and say there is anything intricate about it. The work is hard; it is monotonous work.

The CHAIRMAN. What is the character of it?

Mr. OYSTER. They are the specifications of patents. We do the printing of the Patent Office in our division entirely—in the specification division, and this [exhibiting] is a sample of the work. If there is any part of the work particularly intricate, I have a man in the division to whom the work is given. It is taken away from the compositor and given to this particular compositor there, who ranks as an imposer, and he does that work and it comes back then to the compositor after it is done. That is to avoid any confusion by a new man getting hold of work which he does not understand; therefore, so far as the work is concerned, I do not think they can make any claim that it is particularly intricate. It is solid work.

The CHAIRMAN. What was the chief objection to Mr. Donovan as a printer?

Mr. OYSTER. The chief objection to Mr. Donovan as a printer was the objection to all these people, that he fell below the standard as compared with other men as to the quantity and quality of work done.

Mr. Ricketts said that Mr. Donovan had averaged so much a day without the blank, and by adding the blank, the same that would be given if working by the piece, he averaged then $2.16 a day. For that he received $3.20. On the day he was dropped—he was not dropped on the nine days' work, because I myself examined the work for the next two weeks, as far as it had been taken into the other office; that is, all except the last day, and that record still showed that Mr. Donovan was the third lowest man of the men who came in in the early part of December.

The CHAIRMAN. Did the record disclose an improvement in his work compared with the first nine days?

Mr. OYSTER. There was considerable improvement in the quantity of work done; that is, he had increased the average up to $1.82 without the blank. About $2.50 would be what I consider a fair day's work—what the Government ought to have for the money it pays. In the quality of

his work he was very low on the first nine days, and he had improved two or three points; that is, he got from 71 to 75 on the second turn in. Seventy-five is a very low rating when the average runs up to 90 and sometimes 95, and where a large number of them run up to 100 per cent on quality.

The CHAIRMAN. How many of those employed earn $3.20 a day?

Mr. OYSTER. Oh, I suppose there are 95 per cent. The few who do not earn $3.20 have been retained on account of the quality of their work. For instance, I have one man who does not quite get up to $3.20 a day, but his work is done in such a first-class manner in every way that he ranks high in quality and stands from 98 to 100.

The CHAIRMAN. That compensates for the difference?

Mr. OYSTER. It compensates for the difference.

There is another thing about a bad workman. It costs a good deal more money to read his proof than the proof of a man who will set type which will rate at 95 to 100 per cent, which has very few errors on it. The proof reader does not have to stop to mark "outs" or "doublets," or to make "railroads," as printers call them, as he does on work which is not properly done.

Senator CHILTON. It costs more to correct it?

Mr. OYSTER. He is supposed to correct it in his own time. Still, while he is correcting a bad proof the good compositor is going along setting type, and he has a double advantage; and when you come to revise the bad proof it will take ten times as long to revise it as it will to revise one of the good proofs that is very high in quality.

I have prepared a statement showing the whole record of these people, and it shows the saving which has been made to the Government on 3 ; people. When Mr. Benedict first came in he did what all Public Printers have done; every Public Printer that has ever been in there has done the same thing. He made a large number of political discharges. Of course, both times when Mr. Benedict came in there were more people in the office than the public service required and more people than they had work for or money to pay, and it was necessary on his part to make a considerable reduction of force.

When he first came in, in 1886, succeeding Mr. Rounds, he had 400 or 500 more people in the office than he had money to pay, as shown by Mr. Rounds's letters in the office letter-book, and he was compelled to make a reduction of the force. In doing so I suppose that three out of four who were dismissed were Republicans. There might have been more, if he had had time to go over it carefully and find out, but he had to do everything in a hurry, and he just took that name and this name and the other name, and he got a considerable number of Democrats, because there has always been a considerable number employed under every Administration. Those discharged, however, were mostly Republicans.

When he came in the last time there was another necessity for a large reduction of force, and in making that reduction I have no doubt whatever—although he did not consult me about it, and the statement was not made broadly, but I know enough about the office and the political complexion of the people in the office to know—that the first discharges when he took hold of the Government Printing Office the last time were political discharges, just as nearly all discharges of printers by Public Printers up to that time were. He made four or five large discharges from the time he came in the last time up to September 27, 1894. He came in in May, and he put all the piece compositors on time September 27, 1894.

He gave them all the same rate of pay, $3.20 a day, and there is now no piecework being done in the Government Printing Office. When he put them on piece, he said he was going to establish a merit system of his own, and after that everybody would have to stand on his merits.

From September 27, 1894, until the application of the civil service on the 1st of August, about 33 or 35 compositors were discharged from my division, and soon after that a call was made upon the Civil Service Commission for printers. They sent in, I do not know how many names, but there were a very large number selected, and I think I got in my division something like 43 or 45 men who came through the Civil Service Commission. A number of those did not come up to the standard, and were soon dropped. We did not give them the six months' probation. A soon as I was thoroughly satisfied that a man could not come up to our standard, and that the principle of civil service was not being carried out by continuing him in office, I recommended that he be dropped or dismissed from the service. They called it "dropping" in those days.

After we had sifted the civil-service printers who came to my division, putting them against the same number that Mr. Benedict discharged of the 35 of whom I am speaking, I find that there is an improvement of nearly 54 per cent in the work between those who came in through the civil service and those whom Mr. Benedict turned out. I am not referring to his first discharges now, not to his political discharges, but to the discharges that he made after the 27th of September, 1894. After that time, by putting the men he discharged from that time up to the application of the civil service against the civil-service printers, the records here show that there was an improvement of 54 per cent.

The CHAIRMAN. What was the basis upon which those discharges were made? Were they made without respect to the politics of the parties?

Mr. OYSTER. They were made without any regard whatever to their politics, but I might state here, because it is an absolute fact, that more than three-fourths of those people discharged were Democrats, and the record shows, I say, 54 per cent improvement. A portion of that improvement is estimated, but 45 per cent of the improvement is on work actually done. In other words, the 33 compositors who came through the civil service earned in the one year, the year 1896, $10,164 more than the 33 whom Mr. Benedict discharged would have earned in the same time. Forty-five per cent of it, I say, was on actual work done. They actually performed 45 per cent more work, and the quality of their work was a great improvement over the quality of the others. The quality of the work of those who were dismissed was just about as bad as the quantity, and on a low estimate I judge it would cost $50 a year more to have read the proof of each one of those men dismissed than it would to read such proofs as are set by civil-service printers, whom we get through the Commission.

I do not want to be put in the position here of saying that there is a difference of 54 per cent between the civil-service people and the whole number of people in the office. This, of course, I can see is taking the very best of the civil-service people—those who were sifted through our sieve and our examination in the office, the practical part of it—and putting them against the very poorest who came in under the old system, but I have no doubt whatever that there is a very large percentage of improvement, even by putting them against the average employees of the office who came in under the old system.

In my division I put the same 33 against all the regular specification

hands who had been sifted through Mr. Benedict's merit system, after the poor printers had been discharged from the office, thus getting the very best who came in under the old system. Still the improvement in favor of those who came in through the civil service is probably 6 or 8 or 10 per cent. This is why I say that I think the application of the civil-service rules to the office is beneficial to the Government, and that it would be very detrimental to the public interests for the civil-service rules to be removed from the office.

I have a statement here which shows that from 1861 to 1897, since the establishment of the Government Printing Office, there have been about $84,500,000 expended for public printing; that is, through the Public Printer alone, and about 66 per cent of the total amount of money is paid out direct to labor; that is, paid out to employees of the office for labor—from 65 to 68 per cent. I put it at 66 per cent, and that would be $55,770,000 for wages.

The CHAIRMAN. It will take you some time to complete your statement.

Mr. OYSTER. This particular part of it I can conclude very shortly. I can finish in a minute. I put at 10 per cent only what I consider loss to the Government, although I am satisfied that the loss to the Government is very much greater than that by not conducting the office on a business basis, but through political influence and as a political machine. Ten per cent of that would be $5,577,000. The amount left then to have been expended for material would have been $28,730,000, and up to very recent years—up to the time when Mr. Benedict came in the first time—they paid the full market rate for material in the office; that is, they did not get the discount which came to private parties when buying material. Although the Government bought ten or twenty times as much as a private office, they got no discount, while the private office would get 10, 15, 20, and as high as 30 per cent discount.

I calculated 10 per cent of loss to the Government on material by not having proper business methods, and putting the two together there would be $8,450,000 which the Government has sunk by conducting that office, not on business principles, but as a political machine.

The CHAIRMAN. We will ask you to suspend now and to come back at our next meeting. We will adjourn until Tuesday next at 10 o'clock a. m.

At 11 o'clock and 40 minutes a. m. the subcommittee adjourned until Tuesday, July 13, 1897, at 10 o'clock a. m.

TUESDAY, *July 13, 1897.*

The subcommittee met at 10 o'clock a. m.

Present: Senators Pritchard (chairman), Morrill, and Harris; also Hon. John R. Procter, president of the Civil Service Commission, and Mr. G. R. Wales, of the Commission.

GOVERNMENT PRINTING OFFICE.

SPECIFICATION DIVISION.

TESTIMONY OF E. W. OYSTER—Continued.

The CHAIRMAN. You can proceed with your testimony, Mr. Oyster.

Mr. OYSTER. I desire to say, in regard to the statement I made at the last meeting of the committee in reference to political discharges from the Printing Office by Public Printers, that of course I have no evi-

dence that those discharges were political, but I state it as to the best of my knowledge and belief. It is the universal opinion of people who know anything about the Printing Office and the personnel of it that a very large majority of the discharges made during every administration of the Office have been for purely political reasons, regardless of the merit or the efficiency or faithfulness of employees. I desire to make that statement so as not to be in the position of saying positively that I had direct evidence from Public Printers that the discharges were made for political reasons.

The CHAIRMAN. You can only state such matters as come within your own knowledge. You can not assume facts to exist unless you know them.

Mr. OYSTER. Of course; so I suppose I am merely testifying to the best of my knowledge and belief.

The CHAIRMAN. No, sir; you are testifying as to what you yourself know about matters; as to any facts that come within your knowledge.

Mr. OYSTER. All right, sir; I have laid out a sort of line here of facts that are within my knowledge.

The CHAIRMAN. We shall be glad to hear you in regard to them.

Mr. OYSTER. If any member of the committee desires to ask me questions I would probably prefer to answer the questions rather than to make the statement, because I may not be fully informed as to just what the committee might desire.

Mr. PROCTER. May I ask a question?

The CHAIRMAN. Certainly.

Mr. PROCTER. If Mr. Oyster says it is the universal belief with everybody he comes in contact with in regard to the Printing Office that discharges were made for political reasons, is not that in the line of evidence it has been the practice of the committee to admit?

The CHAIRMAN. No, sir; I have all the while said that witnesses must testify as to facts coming within their own knowledge.

Mr. PROCTER. But is not that a fact.

The CHAIRMAN. No, sir; it is not. In a court of justice it would not be proper for a witness to testify as to the belief of any individual in the community. He would be permitted to testify only as to such facts as come within his knowledge as a witness. That is the rule which prevails in courts as to the admissibility of testimony.

Mr. PROCTER. You do not catch my point, I think. I mean that he can testify in regard to the fact that such is the universal belief.

The CHAIRMAN. A universal belief is one thing and what is the real fact is another.

Mr. PROCTER. The universal impression.

The CHAIRMAN. A universal impression is one thing and the facts in the case are another. The facts in a case are only obtained in a court of justice by the evidence of parties who have sufficient means of knowing of their existence. If the witness knows of any case where parties were discharged for political reasons, he can so state and give his grounds for knowing it. I may have an impression that a man was discharged from a certain bureau for political reasons and still not be able to testify to that fact, because the fact is not within my knowledge. I have tried to adhere to that rule all the way through. Some testimony, however, may have been admitted that does not come within the rule. The witness can give any facts within his knowledge as to any discharges. He can state what he knows to have occurred; and then it is a question for the committee to determine as to whether, in their judgment, the discharges were made for political reasons.

Mr. OYSTER. As I said at the last meeting, large discharges had been made during every administration of the Printing Office.

The CHAIRMAN. That is admissible, of course. You know that?

Mr. OYSTER. That I know. I have taken the division of which I have charge as a sample. During the administration of Public Printer Rounds, from 1882 to 1886, there were 55 discharges in my division, as shown by the records of the office. Public Printer Benedict, during his first administration, discharged 61 people from the division and 16 resigned. I did not get the number of resignations during Mr. Rounds's administration. During Public Printer Palmer's administration, from 1889 to 1894, there were 69 discharges from the specification division and 32 resignations. During Public Printer Benedict's last administration there were 131 discharges from the division, and 16 of those who came in through the civil service were either dropped or refused absolute appointments. So far during Mr. Palmer's administration there has been 1 discharged, and 12 of the civil-service appointees, or those who came in as extras through the civil service, have been dropped or refused absolute appointments. I have the names of all the parties who were discharged during these administrations, and, knowing the personnel of the office very well by years of experience and association with these people, I learned their politics just in the same manner that they learned of my politics—by association and conversation, without any effort whatever to draw people out as to their politics.

Taking the first discharges made by Mr. Benedict from the 8th day of May, or, rather, the first discharge was on the 19th day of May (he came in on the 8th) up to the 27th of September following, I have no hesitation in saying—at least it is my honest belief—that more than three-fourths of those were Republicans. It is for that reason, and reasons like that through all the administrations, that it is my belief they were discharged for political reasons.

In making the first discharge when Mr. Benedict came in, he claimed that the force was very much larger than the needs of the service required and it was absolutely necessary to reduce the force; and my knowledge of the office and its condition would lead me to say the same thing. While a large reduction of the force was necessary, it did not strike me as being necessary that the particular individuals should have been selected for discharge. Certainly some of those discharged during the first six months of Mr. Benedict's administration were among the most efficient employees in the division. I know that they were Republicans, and therefore I assumed that men were being selected at that time on account of their politics rather than on account of their merits or their skill as workmen.

What I say in that regard during Mr. Benedict's administration can be said in regard to the discharges—what were called the wholesale discharges—during every administration. Mr. Palmer discharged 69 people from this division while he was there and there were 32 resignations. Of course, as to whether the resignations were all voluntary or not I have no means of knowing. They are simply entered up as resigned. Out of the 69 discharged by Mr. Palmer the proportion of Democrats was fully as great as the proportion of Republicans discharged by Mr. Benedict during his last administration and during his first one.

Having been chief of the specification division during the greater part of the six months of which I speak, and believing that the discharges were made for political reasons, I desire to say here, as broadly as it can be said, that I made no recommendation whatever to the Public Printer or to the foreman of printing for the discharge or

reduction of any employee on political grounds. I have for very many years believed that that system in the office was wrong, and, so far as I had it in my power, I carried out what I believed to be a genuine merit system—a system that I believe to be for the best interests of the Government.

Of course, the figures I give here of the discharges are only the figures relating to my own division. The discharges for the whole office, of course, amounted to hundreds, and I expect it ran up over a thousand. Certainly it has done so during Mr. Benedict's last administration.

The CHAIRMAN. You give only the figures as to the division of which you are now chief?

Mr. OYSTER. That is the division of which I am chief and of which I have positive knowledge. I have the books there. The records for the other divisions I have not, but I know there were large discharges from every division of the office during Mr. Rounds's administration, during Mr. Benedict's first administration, during Mr. Palmer's first administration, and during Mr. Benedict's second administration.

The discharges are often necessary by reason of a falling off in the amount of work. Men are sometimes discharged for good cause and a reduction of force is sometimes necessary on account of money being short or on account of work being short. But the great majority of all the discharges, as I stated before, were, in my candid judgment, made for political reasons during every administration.

I believe, with that statement, and the statement that I think that system is detrimental to the public service and that the civil-service system is a very great improvement on that system, I am ready now to answer any questions that the committee may desire to ask me.

The CHAIRMAN. Did you secure your employment in the Government Printing Office under the merit system, or how?

Mr. OYSTER. When I first secured employment in the Government Printing Office I secured it through the only means that was then open for a printer to secure employment there. I was recommended by a Senator, Simon Cameron, of Pennsylvania. I should like to state further, that I had not applied to him for a letter to the Government Printing Office. As I said before, I did not know there was such a place when I came to Washington City. I worked two sessions on the Congressional Globe, and having known Senator Cameron in my town in Pennsylvania, I dropped in on him at the Senate one day. He asked me where I was working, and what I would do when the session closed. I told him I thought I would go home, as I had done the session before. He asked me whether I would not like to go into the Government Printing Office. I told him that I did not know I could get there. He said he thought he could get me there, and gave me a letter to Public Printer Defrees, and several months after that I was employed in the Government Printing Office.

The CHAIRMAN. When were you appointed the last time, or rather reinstated, in the Government Printing Office?

Mr. OYSTER. Under Mr. Benedict.

The CHAIRMAN. About what time?

Mr. OYSTER. On the 28th day of May, 1894.

The CHAIRMAN. That was before the Government Printing Office was put in the classified service?

Mr. OYSTER. Yes, sir.

The CHAIRMAN. I will ask you if it is not a fact that after Mr. Benedict had made these wholesale discharges and stocked the office with

men of his party, the civil-service rules were then applied to the Government Printing Office.

Mr. OYSTER. Well, it is a fact that a very large number of discharges had been made before the application of the civil service, and a considerable number of appointments. There were not nearly so many appointments, of course, as there were discharges, because the force had been reduced probably 700 or 800.

The CHAIRMAN. The discharges that you speak of as having been made in your division were made prior to the classification of that office, were they not?

Mr. OYSTER. Not all of them; a portion of them. I think I can probably give about the number. There were 93, I think.

The CHAIRMAN. Out of a total of how many?

Mr. OYSTER. Out of a total of 131 there were between 90 and 92. The 16 civil-service people were dropped afterwards.

The CHAIRMAN. I understood you to say that a number of the people who were discharged were very capable, very worthy, and very efficient men. Is that correct?

Mr. OYSTER. Yes, sir; that is correct.

The CHAIRMAN. In your judgment, inasmuch as people were covered with the civil-service law who never stood a civil-service examination, should those men now be required to stand a civil-service examination before they are reinstated?

Mr. OYSTER. The Senator is now speaking of the 36 who were employed in the specification room?

The CHAIRMAN. Yes; the men who were discharged by Mr. Benedict who were capable and efficient. The question I ask is, should they, in your judgment, their fitness having been demonstrated at the Public Printing Office, be required now to stand a civil-service examination before they are reinstated?

Mr. OYSTER. I should say in regard to that, Senator, that if a man has thoroughly demonstrated his ability in the office, and that he was a first-class man in every way and thinks he is unable to pass the civil-service examination, personally, I would like to see the law or the rule so amended that that particular person could be restored to the service.

The CHAIRMAN. That does not answer my question, however. The men who were in the Government Printing Office at the time the Office was classified were not required to stand a civil-service examination. They get the benefit of the law as it now is. Where a man who was perfectly capable and efficient was discharged without cause, should he, in your judgment, be placed on the eligible list and entitled to reappointment just the same as anyone else on that list?

Mr. OYSTER. If the record of the Office shows that they were faithful and efficient, personally I would have no objection to seeing them reinstated.

The CHAIRMAN. I assumed, when I asked the question, that the record would show that they were capable and efficient men.

Mr. OYSTER. A record has not always been kept in the Printing Office that would show the standing of the employees.

The CHAIRMAN. But that is not the question I asked. Assuming the record shows that they were capable and efficient, in your judgment do you think that they should be placed on the eligible list just the same as an old soldier is placed there?

Mr. OYSTER. No; I would not want to place those people on the same list with an old soldier. I think a soldier deserves more from the Government than a man who was not a soldier.

The CHAIRMAN. Then should he not be placed on an equal footing with a man who has received the benefits of the classification of the civil service? Do you not think such a man who had demonstrated his fitness is entitled to as much consideration as a man who was there at the time the office was classified?

Mr. OYSTER. Well, reform has to start at some point.

The CHAIRMAN. I suggest that that is a question which can be answered by yes or no. Then you can make any explanation you want to make about it.

Mr. OYSTER. I would state that I recommended to Public Printer Benedict the reinstatement of quite a number that I——

The CHAIRMAN. Do you not think that you can answer the question yes or no, and then make your explanation afterwards?

Mr. OYSTER. If the Senator will be kind enough to repeat the question I may be able to answer it yes or no.

The CHAIRMAN. The question I asked was whether you do not think that the parties who have been discharged, and whose records show that they are capable and efficient, should be placed on an equal footing with those who were in the Government Printing Office at the time the Office was classified, and who did not stand a civil-service examination? In other words, do you not think that they should be placed on the eligible list?

Mr. OYSTER. If the record shows that their service has been faithful and efficient, I would say yes.

The CHAIRMAN. The purpose of the civil-service law, as I understand it, is to secure capable and efficient men?

Mr. OYSTER. Yes, sir; that is what I understand.

The CHAIRMAN. And once that fact has been demonstrated as to an individual, it is useless to go over another examination, is it not?

Mr. OYSTER. Well, it would seem so to me. I wrote two letters of recommendation to Public Printer Benedict in regard to some of the 36 who were in the division when they were dropped out in August, 1895.

The CHAIRMAN. I asked you the question because you have had experience there, and I wanted to learn your opinion in regard to it.

Mr. OYSTER. I would say right on this point that we have a number of men in my division restored, as they call it, who had large experience in the Office. Some of them had been removed by Mr. Benedict early in his administration, a number of them against my very earnest protest. They were of the 36 men who were employed as extras in my division and dropped out by the Public Printer. There was some controversy, I think, before your committee and you had some investigation in regard to the matter. Mr. Hodes and Mr. Buckland were before the committee. They were both Republicans. They had had large experience in the Office. They were faithful and efficient employees—above the average. On that account I entered a very earnest protest against their removal, and endeavored frequently to have them reinstated by Mr. Benedict. But they were discharged before the civil-service rules were applied to the Office. They were employed as "extras" in my division when the civil-service rules were applied. They were dropped out on the 17th of August, after the rules were applied, about two weeks after. I have here the recommendation I made to Public Printer Benedict on the 29th day of July, before the civil service took effect, because I did not know what effect it might have on them after it was applied to the Office. I recommended the appointment of, I think, 24 or 25 of the 36 who were then in my division as extra men, including Mr. Hodes, Mr. Buckland, and Mr. Rodrick, who is one of the most

efficient men in that division or in the Office. The Public Printer declined to appoint them on the ground that he had refused everybody to pad the Office before the civil-service rules were applied. He said that if he had listened to all his friends, his party friends and others, who were after him to put people in before the civil-service rules were applied to the Office he would have nullified the civil-service rules and law, so far as the Printing Office is concerned.

The CHAIRMAN. That was Mr. Benedict?

Mr. OYSTER. It was Mr. Benedict.

The CHAIRMAN. There was an effort, then, on the part of his friends to have him do that, as I understand you?

Mr. OYSTER. Yes, sir.

The CHAIRMAN. A strong pressure was brought to bear, which strong pressure was to get him, as he called it, to "pad the office" with employees so that the civil-service rules would really have been evaded? So it was known for some time prior to the classification of the Public Printing Office that it would be classified?

Mr. OYSTER. Well, that I can not say positively. I had no knowledge on that point.

The CHAIRMAN. You say the Public Printer spoke to you about it, and said that this pressure was brought to bear on him?

Mr. OYSTER. But this was months after the agitation had started to apply the rules to the office. It was just before the rules were applied.

The CHAIRMAN. Just before?

Mr. OYSTER. Just before; it was in the latter part of July.

Senator MORRILL. May I ask if you happen to know whether any applicants now who have been subjected to the civil-service examination are examined by printers or not?

Mr. OYSTER. No, sir; I am not on the board of examiners for the Printing Office. I have had no connection whatever with the Civil Service Commission.

Senator MORRILL. Are not applicants examined by a committee of printers?

Mr. OYSTER. As I understand it, they are examined and asked questions prepared by practical printers who are supposed to know all about the printing business. But I have no knowledge as to whether there are any printers among those who actually examine them.

I was going to say in regard to Mr. Hodes and Mr. Buckland—it has been decided, I think, by the Commission that these men are eligible for reinstatement in the office or for restoration, and Mr. Palmer has restored in my division, I think, about 14 of the 36. A number of them had previously passed the civil-service examination, and they have been appointed in the office; they have been given absolute appointments through their examination and certification by the Civil Service Commission. I think there are 4 or 5 of the 36 who were originally in my division.

The statement was made here, and some stress laid upon it, as to how much time it takes a man to regain his speed after he has been away from the printing business for some three, four, or five months. Mr. Hodes was dropped from the specification room on the 17th day of August, 1895. He tells me that he had not set type for more than one week in the intervening time until he was reinstated in the Office three or four weeks ago. He comes back into the division, and the first forty hours that he worked he averaged $2.76 a day without blank. On the next ninety-six hours he averaged $3.02 a day without blank, and the quality of his work is very high—it runs up in the nineties.

The CHAIRMAN. You get that from the records of the Office?

Mr. OYSTER. That is from the records. I have just copied it from the official records of the Office. He averaged $2.94 a day without blank in one hundred and thirty-six hours after he had not set type, you might say, for two years. Mr. Donovan, the gentleman who claimed he had lost his speed by being away from the business for a few months, averaged during the first nine days that he worked there $1.38 a day, against $2.76 a day by Mr. Hodes. On the next turn-in he averaged $1.82 a day, against $3.02 a day by Mr. Hodes. The quality of Mr. Hodes's work averaged 93 on the first turn-in. Mr. Donovan's averaged 71. On the second, Mr. Hodes has the same average, so far as the quality of his work is concerned. Mr. Buckland goes, in the quantity of his work, just a few cents higher a day than Mr. Hodes. That is the kind of people——

Mr. DONOVAN. May I be permitted to make a remark here?

The CHAIRMAN. A remark would be out of order just now. Do you desire to ask a question?

Mr. DONOVAN. I just want to ask Mr. Oyster whether this man was not familiar with the work; whether he had not worked there before and did not know all about specification work.

Mr. OYSTER. That is the statement I intended to make without any suggestion from the gentleman, because surely I wish to do him no harm. I never knew him until he came to my division. He has my best wishes for success, and it was a very deep regret to me to have occasion to drop him from the Office by the order of the Public Printer. Certainly there was no personal feeling on my part. My personal feeling always runs the other way.

I would say that Mr. Hodes and Mr. Buckland both had large experience on the work. I think I stated that, though, some time before. But Mr. Hodes was not at the case for many years in the specification room and was not setting type at all. So, if speed is always broken up by a man being absent from the case a few months, it certainly would have been broken up very much in Mr. Hodes's case. He might be able to do his work well; I understand that all right; but the quantity of his work would be low by being absent from the case. I do not believe that a person's speed would be broken up to any great extent.

The CHAIRMAN. Do you think Mr. Donovan had a fair test as to his capacity?

Mr. OYSTER. As I stated at the last meeting, when he was dropped on the 30th day of December, after twenty days' work, I was somewhat surprised, because I thought I ought to have had an indication a little bit sooner than that, and that they had not really had enough work to demonstrate—that is, to keep them from saying, if they were turned off, that they had not had a fair show. I know in many of the printing offices I have seen and known printers have been turned off in less than a day's work, or in two days' work, or three days' work, because the office saw that they were not coming up to the requirement. Mr. Donovan had had twenty days, and yet, as I said before, I would have given them all two weeks more. As I explained here, there was what we call a "turn-in" every two weeks. The 30th day of December was the last day of that two weeks. In the afternoon of that day Mr. Baker, the Public Printer's private secretary then, asked me to come to the main office. I went down there and he told me the Public Printer wanted to drop the five lowest men of those who came in last through the civil service or had been put on as extras. That was the first intimation I had that there was to be anybody dropped from my division on that day. But I had made up my mind what to do when the turn-in was

made. I saw a number of them were low, and as soon as the turn-in was completed and the account was made up I intended to draw the line there and tell all the people who were too far below the standard that they would be expected to do a great deal better or at the end of the two weeks I should recommend that they be dropped. I was taken a little by surprise when they were dropped out so soon.

As I said at the other meeting of the committee, instead of Mr. Donovan being dropped out on his nine days' work, I called Mr. Baker's attention to that very thing. He had the list of names there, taken from the record book, kept in the record clerk's division. I knew the record for the last two weeks had not been made up, because it had not been closed, and I understood he had taken the names from the first two weeks they had worked, or the nine days. I told Mr. Baker if the Public Printer wanted to drop the five lowest men it would not be safe to drop them on that first two weeks, because the two weeks that were then just closing up might reverse the standing of some of the people; that there were others who were pretty low down; and that in the mean time Mr. Donovan, with some of these others whom we had on the list, might have gone ahead of them, and so they would not have got the five lowest men. I went into the record clerk's division. I told the chief of that division that I wanted a certain number of the individual slips, as we called them, footed up. It had all the record on for the two weeks, except the last day that we were then on. They make out a slip each day for the amount of composition there for each take. It is put into a pigeonhole case that we have, and the morning following they are sent down to the main office and there they are entered in this book in the record clerk's division. They had it all down there except the last day, but it was not footed up. They did not know how these men stood. So I went in and told the chief of the division that I wanted these blanks footed up, and I picked out four or five men who had been low on the first turn-in, thinking they might have fallen below when we took the whole time. I had them added up, all that had been entered for the eleven days of this turn-in, and had it divided properly, and found out just how much each man had averaged during the turn-in, and after getting it all and putting it together, Mr. Donovan was the third lowest man, not for the nine days, but for all the days he had worked in the office, except the last day.

The CHAIRMAN. You examined his second turn-in?

Mr. OYSTER. I examined his second turn-in carefully, because I did not want any mistake made. I did not want people to come back and say that the five lowest had not been dropped. I will not say that the five lowest were dropped, but that did not affect Mr. Donovan. There was a man who had been a soldier, who was an old man in the office, and on account of his having been a soldier we overlooked him and did not give his name to Mr. Benedict. If this gentleman had not been retained on the list and discharged at that time—he was discharged three or four days later—but if he had been discharged when Mr. Donovan was discharged, Mr. Donovan would have been the third lowest instead of the second lowest, as he was when discharged at that time. He was discharged on the 30th day of September.

The CHAIRMAN. As I understand you, he was designated to work in the specification division of the Printing Office.

Mr. OYSTER. Yes, sir; he worked in my division.

The CHAIRMAN. Is there any other division there in the Government Printing Office where he could have worked according to his grade and standing?

Mr. OYSTER. I should say, from his record in the specification room, that he would not have come up to the civil-service requirements or expectations in any division in the Printing Office.

The CHAIRMAN. Mr. Procter, do you desire to ask Mr. Oyster any questions?

Mr. PROCTER. Yes, sir. Mr. Oyster, when did you first begin to keep a record of the work done by the printers?

Mr. OYSTER. Which record do you refer to?

Mr. PROCTER. Such a record as you have referred to, of the amount of work done in the Office.

Mr. OYSTER. The present record—a complete record that is kept—was started after the civil-service rules were applied to the Office; but so far as my division is concerned, when I had charge of it, I always kept a record of my own. It was not an official record for the Office or by order of the Public Printer, but I kept it for my own satisfaction and guidance, so that I might know just exactly where each employee stood who worked under me.

If you will just permit me a minute, I will say that I have a record before the civil service went into operation, when the employees of the specification room were working by the piece, and it shows the earnings of each compositor in the division, and also the average for the whole room. The average for the room at different times was $4.32 a day and $4.12. That included two weeks ending April 26, 1894, and May 9, 1894. The average was $4.32 and $4.12; that is, with the blank counted in. Mr. Donovan, for instance, averaged $2.16 a day with blank during the time that he worked in the division. I have never seen in all my experience in that division a man who started in so low as Mr. Donovan able to come up to what would be the average in that division. Some of these men—for instance, Mr. Rodrick, who is one of the gentlemen I referred to awhile ago, and was always a very fast man, one of the fastest in the division—would earn somewhere in the neighborhood of $5.50 and $6 a day working by piece on this very work which they claim is so intricate. Here is another gentleman, I see, who averaged $5.75 a day, and it ran from that down to $4, and sometimes a little lower. If a man did not feel just like working, or he might have been a little out of sorts, as printers call it, he would make a little less, but the average for the room there for the last two weeks on piecework, just before Mr. Benedict came in, was $4.32 and $4.12 a day for the whole room. That record I kept for myself.

Mr. PROCTER. When did you drop the piecework and begin keeping this record?

Mr. OYSTER. Piecework was abolished entirely in the office on the 27th day of September, 1894.

Mr. PROCTER. Then the efficiency record of the whole office began to be kept after the application of the civil-service rules, I understand you to say?

Mr. OYSTER. Well, in my division I always kept a record, but this particular record that I speak of was really started on the 1st day of January, 1896.

Mr. PROCTER. Then would there be a method by which you could fairly compare for the purpose of reinstatement the work of present employees with the work in the past of persons who have been discharged?

Mr. OYSTER. Not unless there is a full record kept, such as I kept in my division. I can certify to every man's record in my division.

Mr. PROCTER. You answered the chairman's question by stating that you thought persons who had a good record in the office might prop-

erly be reinstated without regard to the time when they were separated from the office. There are two objects in view: First, to test the fitness by examination, and, second, to eliminate political influence in making discharges and appointments. If you should open reinstatements regardless of the time when separated, would you not increase the tendency to make removals and appointments purely for political reasons, as in the past?

Mr. OYSTER. Yes; I think that would really be the effect. The question asked me by the chairman was if the records of the office showed that they had been efficient. It strikes me that if there was no record it could not be shown; but if gentlemen who are well known as having been faithful and efficient were put upon an eligible list by the Civil Service Commission, and certified only when an increase of force is necessary, or to make room for those discharged for good cause, or on account of resignations, of course I could not say that political influence would have anything to do with it. It ought not to have anything to do with it. My understanding when I answered the question was that these men would be restored on merit and not through political influence; that they would be put on the eligible list by the Commission and furnished the office just as other persons are furnished from the eligible list.

Mr. PROCTER. I should like to ask you another question on this point. The official records show that the number classified in the office at the time of classification was 2,710. The official records also show that of that number Mr. Palmer appointed 1,203, and that 665 had served during the five years of his administration——

The CHAIRMAN. I suggest that you ask Mr. Oyster what he knows about it.

Mr. PROCTER. I will do so. I have not finished my question.

The CHAIRMAN. I know, but you are assuming. You can ask him if he knows this to be a fact. You can not assume that a thing exists without asking him first if he knows it to be a fact. You can put that in later. I suggest the better way is to ask him if he knows the fact.

Mr. PROCTER. Well, do you know the fact, as is shown by the official records, that 1,203 of the people who were classified were appointed by Mr. Palmer during his first administration?

Mr. OYSTER. No, sir; I can not say that I know it.

Mr. PROCTER. Do you know the fact, as shown by the official records, that 665 of these 2,710 had served during his first administration?

Mr. OYSTER. No, sir.

Mr. PROCTER. Consequently, of the total number, 1,868, or 69 per cent, had either been appointed by Mr. Palmer or had served through his administration; do you know that to be a fact?

Mr. OYSTER. I will say that I can not go into percentages on this question, but I have personal knowledge of the fact that a very large number of people covered by the civil service were appointed by Mr. Palmer.

Mr. PROCTER. Then do you know that, of the total number of 2,710, only 842 were appointed by Mr. Benedict?

Mr. OYSTER. No, sir; I can not go into numbers. A very close investigation of the official records would have to be made for me to say exactly how many have been appointed or removed.

Mr. PROCTER. Do you know, Mr. Oyster, whether the Civil Service Commission was visited by committees of printers from the Typographical Union requesting the extension of the civil-service rules to the Government Printing Office?

Mr. OYSTER. I know that such committees were appointed by our union and by different unions, and that I saw statements in the papers at the time to the effect that they had visited the Commission.

Mr. PROCTER. Can you tell anything about the standing of the printers and the union on this question?

Mr. OYSTER. You mean the typographical union?

Mr. PROCTER. Yes.

Mr. OYSTER. Our local union, you mean?

Mr. PROCTER. Yes.

Mr. OYSTER. Well, the standing of the local union is in favor of civil service. It was, I think, at their instance that the civil service was applied. The Commission took the matter up, I think, on the solicitation of the committees from the labor organizations in this city. In the action taken by our union on several occasions they very strongly favored the civil-service system.

Mr. PROCTER. You have been in the Public Printing Office a long time. From the reports of the different committees of the Senate and House have not the evils growing out of the application of the spoils system to the Public Printing Office been brought to your attention?

Mr. OYSTER. Yes, sir.

Mr. PROCTER. Do you remember any of those reports?

Mr. OYSTER. Yes; I have a number of the reports here. I have read them all lately. I had knowledge of them, and I investigated that matter a good deal. I have made a few extracts from several of the reports of the committees appointed to investigate the management of the Government Printing Office. I have here in my hand extracts from a number of the reports, all condemning, in the strongest terms, partisanship in the administration of the Office.

Mr. PROCTER. Will you please give the heading of each report, so that it can be found?

Mr. OYSTER. The first report that I have taken up is a report made July 15, 1870, by Mr. Anthony, from the Committee on Printing, Forty-first Congress, second session, Report No. 264. This report was made after a thorough investigation of the management of the Office. I have a few extracts here from that report.

The CHAIRMAN. Just give the page, and then we can get it. We do not need to encumber the evidence with extracts from the report.

Mr. OYSTER. The page I did not take; I just took the Congress.

The CHAIRMAN. Well, give the number of the report, and we can get it.

Mr. OYSTER. It is Report No. 264, Forty-first Congress, second session. The next report was during the Forty-fourth Congress, first session, Report No. 495, a House report. It was submitted May 12, 1876, by Mr. John L. Vance, from the Committee on Printing, after an investigation of the Government Printing Office.

The next report is Report No. 119, Forty-fifth Congress, third session, a House report, submitted by Mr. Hatcher February 27, 1879, from the Committee on Public Expenditures, after an investigation of the Office. I have here a short extract from the testimony before that committee which is pertinent to this question. It is the testimony of a gentleman of large experience who had been in the Public Printing Office for a number of years, a thorough, practical printer, who understood and had the experience to know the operation of the old system and its effect upon the public service. That portion I should like to read.

The CHAIRMAN. Yes, you can read it.

Mr. OYSTER. It is as follows:

[Report No. 119, Forty-fifth Congress, third session.]

* * * * * * *

"WASHINGTON, D. C., *June 11, 1878.*

"Committee met. Present: Messrs. Hatcher, Finley, and Burdick

"M. D. HELM, sworn and examined.

* * * * * * *

"By Mr. BURDICK:

"Question. Did you state how long you were in the Government Printing Office, and what position did you hold there?

"Answer. Superintendent of the Record for the last four years.

"Question. Did your position in the Government Printing Office give you facilities to know how the Office was managed?

"Answer. It did, sir.

"Question. How was it managed as to economy, whether economically or otherwise?

"Answer. Then I think it was as economically managed as such an establishment can be. I have my own opinion as to that. I do not think however zealous a man may be in the line of his duty, or how careful he may be, he can manage such an office as economically as he could a private establishment.

"Question. Why?

"Answer. For various reasons. It is a political machine; the appointments are made by political influence. We do not have the best man for the best price always, for one thing. Another thing, a man has no certainty how long he will hold his position. No matter how well he does his duty it does not add anything to his chances for retaining his position. There is no incentive for a man to do his duty.

"Question. Were any more hands employed than were necessary?

"Answer. I could not say positively that there were. I think fewer men could do the same work in a private establishment than could for the Government. However independent a Public Printer may be he can not discharge a man always when he wants to.

* * * * * * *

"Question. Do you mean to say that the Government Printer was subject to political or Congressional influence in making his appointments?

"Answer. Yes, sir; he must be. Nine out of ten persons who are employed are put there through political influence."

The next report I have was made in the Fiftieth Congress, House of Representatives Report No. 3300. This was the investigation of the Office during Mr. Benedict's first administration. That committee also condemned the application of the spoils system. I should like to read just a few lines.

The CHAIRMAN. We think you had better just refer to the report.

Mr. PROCTER. The resolutions of the union at Denver have been put in as evidence.

The CHAIRMAN. I do not understand that the resolutions at Denver have been put in.

Mr. PROCTER. Yes; they were put in in full. This is to show that those men do not represent the printers.

The CHAIRMAN. Senator Harris suggests that it would encumber the record with too much matter.

Senator HARRIS. I think a reference to the reports, which will make them available, is all that is needed.

The CHAIRMAN. There is a distinction, I suggest, between a resolution of the Typographical Union and a public report.

Senator HARRIS. My suggestion refers only to official reports.

The CHAIRMAN. As I was saying, there is a distinction between the two. We have the official reports already in print.

Mr. OYSTER I will state that these were short extracts that bear strongly upon the particular point.

The CHAIRMAN. The reports are already in print and we can get copies.

Mr. OYSTER. I also have here an extract from the first annual report of Public Printer Rounds. It was made just after the application of the civil-service rules to the different Departments. He refers to that matter in this statement and as it will cover something else——

The CHAIRMAN. Is it a public document?

Mr. OYSTER. It is in the Public Printer's report.

The CHAIRMAN. Well, you can just refer to it. Give the page.

Mr. OYSTER. I did not make a note of the page.

The CHAIRMAN. You can leave that blank and we can look it up.

Mr. OYSTER. It is his first annual report, submitted to Congress December 3, 1883.

Mr. PROCTER. May I ask you whether in that report the Public Printer advocated the application of the civil service to the Government Printing Office?

Mr. OYSTER. No, sir; he did not. That matter was not then under consideration. He called attention to the fact that the civil service having been applied to the different Departments, it made the pressure on him for places so much stronger. That is the point to which he called attention.

Mr. PROCTER. Was not Senator Manderson the chairman of the Committee on Printing in the Senate during the last Administration?

Mr. OYSTER. He was chairman of that committee for some time.

Mr. PROCTER. I will ask you if you know anything of a letter written March 3, 1893, to a prominent printer in New York who advocated the application of the civil-service rules to the Government Printing Office, in which Mr. Manderson uses the following language——

The CHAIRMAN. I suggest that it would be incompetent to give it in that way. You can produce the letter.

Mr. PROCTER. I will simply ask Mr. Oyster if he knows anything about such a letter having been written.

Mr. OYSTER. No, sir; I have no knowledge of such a letter.

Mr. PROCTER. Is it not admissible for me to assume that this is what Mr. Manderson wrote?

The CHAIRMAN. No, sir; the way for you to proceed is to introduce the letter. If the original is lost, you can introduce a copy; and if it is entirely gone, you can account for the loss of the letter, that is, if an official letter, sent by one official to another.

Mr. PROCTER. I wish to get this letter in the testimony, Mr. Chairman.

The CHAIRMAN. When you come to testify you can probably suggest some way to bring it in. You can not get it in by this method.

Mr. OYSTER. I do not know that I answered fully the question that was asked me in regard to the standing of the typographical union or the labor organizations on this question.

Mr. PROCTER. No; you did not.

Mr. OYSTER. I did not answer it fully.

The CHAIRMAN. You only answered as to the local union in this city.

Mr. OYSTER. I have in my possession a letter, printed here on page 299, from Mr. Prescott, in regard to the application of the civil service to the office. I have also a number of resolutions passed at different times by the typographical union and other labor organizations condemning the system of partisanship as applied to the Government Printing Office.

Senator HARRIS. You mean that they condemn partisanship in contradistinction to the civil-service system?

Mr. OYSTER. Yes, sir; I mean that for years they repeatedly condemned in the severest terms the spoils system or the system of partisanship or partisan appointments in the Government Printing Office. They condemned it not once but repeatedly, and not only the typographical union, but other labor organizations.

The CHAIRMAN. If you want to insert in the record a copy of these resolutions you can do so.

Mr. OYSTER. Very well. They are as follows:

"International Typographical Union condemns employment and discharge on political grounds.

"Richmond, Va., 1872.

"By Mr. Russ:

"*Resolved*, That the International Typographical Union hereby reaffirms its unqualified condemnation of the practice of making political and religious sentiments a qualification or disqualification for employment.

"Mr. Collins moved to amend, as follows:

"And that subordinate unions throughout the country petition Congress for the abolishment of the Government Printing Office.

"The amendment was agreed to, and the resolution, as amended, was adopted on a yea-and-nay vote, 51 to 17.

"Detroit, Mich., 1878.

"By Mr. McEwen:

"Whereas it is a matter of notoriety that very few printers can get employment in the Government Office at Washington unless they have political influence and belong to the dominant party; and

"Whereas the International Union believes that workmanship should be the test in awarding situations, and not politics: Therefore, be it

"*Resolved*, That this body condemns the course pursued in awarding situations in the Government Office, which office is within the jurisdiction of Washington Typographical Union.

"Mr. Griffith moved that the rules be suspended and the resolution adopted. Which was carried."

When the American Federation of Labor met in this city in 1885 it passed resolutions strongly condemning the appointment of persons to the Government Printing Office through political influence.

The CHAIRMAN. Did they deal with the question of the advisability of including the Government Printing Office in the classified service?

Mr. OYSTER. No, sir; at that time that question was not under consideration. They simply condemned the whole system.

The CHAIRMAN. That being so, I do not think it would be material, but I will admit it. It will do no harm.

Mr. OYSTER. At the session of the Federation of Labor Unions in

this city, December 10, 1885, Mr. Green, of Louisville, offered the following resolution which was adopted:

"Whereas a system of employment for journeymen printers exists in the Government Printing Office which is destructive of independence;

"And whereas the only system of employment which should exist is that based on mechanical ability: Therefore,

"*Be it resolved*, That this congress earnestly protests against the system of employment based upon political opinion, and that the attention of the President be called to the matter, so that the Superintendent of Public Printing shall be governed by the principles of the competency of the mechanic as the condition of employment."

I can say, so far as action taken by the labor organizations is concerned, that I was president of the local federation of labor here for a number or years, and chairman of the legislative committee for some years. While chairman of that committee there was a bill pending in the House of Representatives (H. R. 5087), introduced by Mr. Andrew, of Massachusetts. It was a bill to exclude political influence in the employment of laborers under the authority of the United States. This bill was not to have——

The CHAIRMAN. I did not catch that statement. What is it?

Mr. OYSTER. It was a bill which was introduced by Mr. Andrew, in the Fifty-second Congress, first session, to exclude political influence in the employment of laborers under the authority of the United States.

The CHAIRMAN. We are not here for the purpose of going into everything that may have been done in Congress pertaining to this matter.

Mr. OYSTER. It relates to the action by labor organizations on the question of political influence, and here is——

The CHAIRMAN. We want anything that is direct from the labor organizations.

Mr. OYSTER. This is direct. I intended to follow it up and to show that the organizations had indorsed the bill. I have a letter here showing it.

The CHAIRMAN. You can refer to that.

Mr. OYSTER. Of course I had to refer to the bill to bring up the point. This is a letter from Mr. Andrew to me as chairman of the legislative committee, dated Washington, D. C., April 19, 1892.

"E. W. OYSTER, Esq.,
"*Chairman Legislative Committee, Federation of Labor.*

"MY DEAR SIR: I am in receipt of your letter of the 18th instant, notifying me of the approval of the bill to exclude political influence in the employment of laborers, and am much gratified at the progressive position taken in the matter of your Federation. It can not fail to help the bill and to increase the probability of its enactment. I am in favor of a penalty clause, as suggested by the vote of the Federation, and am considering what is the best form to give it.

"Very truly, yours,

"JOHN F. ANDREW,
"*Chairman of Committee.*"

He was chairman of the Select Committee on Reform in the Civil Service.

The CHAIRMAN. If I understand it, you are in favor of placing the laborers in the Government Printing Office in the classified service.

Mr. OYSTER. As I understand it, they are already there. You refer to the laborers?

The CHAIRMAN. Yes.

Mr. OYSTER. Helpers. Yes, sir; I see no reason why if the civil service is good for the one class of workmen it is not good for another class.

The CHAIRMAN. You think the laborers should be classified?

Mr. OYSTER. Yes, sir; I think it would be beneficial.

The CHAIRMAN. Do you think they can be properly classified under the law?

Mr. OYSTER. That is a question which I have not considered.

The CHAIRMAN. You have not considered that point?

Mr. OYSTER. No, sir; I am not a lawyer. I mean to say they should be classified if it can be done under the law. I do not mean to say whether or not they can be classified legally.

Senator HARRIS. Do you mean to say that anything which tends to efficiency and is productive of beneficial results in one class is necessarily productive of the same results in another class?

Mr. OYSTER. My experience in the Printing Office with laborers is simply this. When you get a good laborer and he is broken in and understands the work he is expected to do, in handling the forms of type and proving galleys and proving forms, it is detrimental to the interests of the Office and the Government to displace him and put in another man with whom you have to go through the same thing and teach him how to do this particular work. There may be some class of work where it does not operate in that way.

The CHAIRMAN. Is it not a fact that the very men whom you speak of acquire the knowledge they have after they come there by practical experience? They have to take the practical test as to those things?

Mr. OYSTER. Yes, sir.

The CHAIRMAN. So no series of questions could test a man's capacity in that respect?

Mr. OYSTER. No, sir; I do not say there should be an examination for that.

The CHAIRMAN. What you mean to say is when they get a laborer there, who is efficient and capable, he should not be disturbed.

Mr. OYSTER. That is exactly what I mean; not to turn him out and put in a new man. That is what I call the merit system, which I have been trying to enforce.

The CHAIRMAN. You spoke of labor organizations favoring the classification of the Government Printing Office. Do you know as to the recent action of the typographical union in this respect?

Mr. OYSTER. Yes, sir.

The CHAIRMAN. The International Union?

Mr. OYSTER. Yes, sir; I referred to the local union and not to the International Union, and when I referred to the labor organizations generally I referred to them as having condemned the application of political tests at the Office.

I know of the recent action of the International Typographical Union, but having been connected with the union for a great many years, and having been a delegate to the International Union, it is my judgment that that action was taken without a full knowledge of whether or not the application of the civil-service rules to the Government Printing Office was beneficial or not. Mr. Prescott, in his letter here—and I have read it over carefully several times——

The CHAIRMAN. You think they acted under a misapprehension?

Mr. OYSTER. I think they were not informed as to the matter. Mr. Prescott's letter demonstrates that to me, because Mr. Prescott is talking about going from the present system to the system on which the

business is conducted in private printing offices, and seems entirely to ignore the fact that the Government Printing Office never was conducted in that way and that the proposition now is not to go to a business basis, but to go back to the old system, which labor organizations have repeatedly condemned, and would condemn again, in my judgment, if it was applied to that Office.

Senator HARRIS. You have had a great deal of experience with this matter. Do you think that the present civil-service rules, as there applied, afford sufficient protection to a good and efficient workman in his tenure of office or position?

Mr. OYSTER. No, sir; I do not. That is the defect in the civil-service system and rules.

Senator HARRIS. Is it in the civil-service system itself, or is it in the application of the system?

Mr. OYSTER. I think it is probably in the law itself. At least, from what I have read and the controversies by the Commission and other gentlemen, I would assume that while the civil-service rules put men in, the rules are unable to hold them there in case a public officer wants to turn them out.

I have made up a little diagram here [exhibiting] which shows my opinion as to the different systems. I think the old system is three-fourths bad; I think the civil-service system is one-fourth bad; and the bad part about it is that part where it does not protect a good and efficient and faithful employee after it puts him in.

Senator HARRIS. Let me ask you if in your opinion the difficulty is owing to the fact that the officer in charge can discharge a man without assigning exactly and specifically the reason for which he is discharged.

Mr. OYSTER. That seems to be the weak spot in the law or the rules, or in the enforcement of them—probably in the law itself.

Senator HARRIS. Your opinion, then, would be that if the law was so amended as to require an officer to make a specific charge, to be sustained by the facts and records of the office as a condition precedent to a man's removal, it would be very much better?

Mr. OYSTER. Yes, sir; I think no man ought to be removed from any office without the real cause being assigned for it.

Senator HARRIS. Sustained by the records of the office?

Mr. OYSTER. Yes, sir; sustained by the records of the office. A public officer ought to be able to justify himself by the records.

Senator HARRIS. That, you think, is not the case now?

Mr. OYSTER. I think that is not the case in a number of instances.

Senator HARRIS. It is not the case wholly?

Mr. OYSTER. No, sir; it is my judgment that it is not. I should like to make a short statement in regard to the political complexion of my division. The statement was sent to the committee, I think, that in my division there were 158 Democrats and 46 Republicans. I believe that the Public Printer was misinformed in regard to the political complexion of my division, at least. I can not speak for the other divisions. I do not know anything about them, except generally; but my division has always been known as and frequently termed the Republican colony of the Printing Office. It is conceded, I think, by every fair-minded man that I did not bring politics into the administration of the affairs of my division; that no faithful and efficient workman was discharged for political reasons on my recommendation at any time while I had charge of that division, either during Mr. Benedict's first administration or his last one, and that I always earnestly protested against the discharge of any such persons.

The CHAIRMAN. Are you prepared to make a statement as to the political complexion of the employees in your division?

Mr. OYSTER. I am prepared to make a statement to the best of my knowledge and belief, on the knowledge I have of those people. Knowing their politics just as they know mine, I will say that a majority of the printers or employees in the specification division are Republicans; that they probably had an equal number of Republicans all through Mr. Benedict's administration; that is, the regular employees in the specification room. When large numbers were off on leave, and thirty or forty were transferred from other divisions to take their places temporarily, I can not say just what the relative standing might have been; but take the regular specification-room employees, and I state it as my honest judgment and belief that a majority of the employees are Republicans to-day, and a majority were Republicans on the day the statement was sent here saying there were 158 Democrats and 46 Republicans in the division. Not only have they been equally divided politically after Mr. Benedict got it settled down—it was not so when he came in—but probably an equal number of those who held what they call the preferred situations in my division—that is, the men getting more than the regular 40 cents an hour, such as proofreaders, makers-up, and imposers—a half of that class of employees have been Republicans all through Mr. Benedict's administration. Quite a number of them were selected for discharge. I went to Mr. Benedict with my protest and recommended that they be retained on their merits, just as I recommended that Mr. Marston be retained on his merits, and those people were retained. Some of them would otherwise probably have been discharged but for the fact that I called the Public Printer's attention to them.

Now, that is the general opinion, and so it has always been, in regard to the politics of the majority of the employees of the specification room.

The CHAIRMAN. Is that all you desire to say?

Mr. OYSTER. I think so, unless there be some questions which Senators desire to ask me.

A Senator referred to my appointment, when I was appointed the last time, or reinstated. I will take just one minute to read the letter which Mr. Benedict sent to me offering me the position again which I held during his first administration:

"OFFICE OF THE PUBLIC PRINTER,
"*Washington, D. C., May 10, 1894.*

"DEAR OYSTER: I tender you the position of assistant foreman in charge of the specification room of the Government Printing Office. If you will assume charge of the division I will esteem it a great favor, and will assure you a salary of not less than $6.50 per day. I need not mention anew how much I depended on your assistance during my first administration, nor how much you can assist in the public work at my hands at this time. I need to end the demand upon me for the vacant place, and shall announce that I have offered you the position.

"Most sincerely, yours,

"TH. E. BENEDICT.

"E. W. OYSTER, Esq., *City.*"

I was not an applicant for the position. It was vacant when it was offered me, and I took it three weeks after this letter was written.

The CHAIRMAN. I merely asked in order to ascertain whether you had taken the civil-service examination.

TREASURY DEPARTMENT.

TESTIMONY OF ANDREW DAY.

ANDREW DAY, being duly sworn, testified as follows:

The CHAIRMAN. Where do you reside?

Mr. DAY. 434 P street NW.

The CHAIRMAN. What is your present occupation?

Mr. DAY. I can hardly tell, Mr. Chairman. I was reappointed and transferred and put in the Architect's Office, sample division.

The CHAIRMAN. Sample division in the Architect's Office?

Mr. DAY. Yes, sir.

The CHAIRMAN. You spoke of being reappointed. What position did you hold prior to your reappointment?

Mr. DAY. A clerkship in the Third Auditor's Office. I was in the Third Auditor's Office over fourteen years.

The CHAIRMAN. When were you dismissed?

Mr. DAY. On the 9th day of December, 1894; not by the Third Auditor, but by the Sixth Auditor.

The CHAIRMAN. Why were you discharged?

Mr. DAY. Because I was a Republican, I suppose.

The CHAIRMAN. Do you know that?

Mr. DAY. A little explanation will lead me to that.

The CHAIRMAN. We can not permit you to suppose. You can testify as to any facts within your knowledge.

Mr. DAY. Let me explain a little, and I will show you why I think that.

The CHAIRMAN. You can state any facts within your knowledge.

Mr. DAY. I was transferred, reduced, placed on the temporary roll on the 1st day of October, 1894, and about three days, I think it was, or perhaps the 4th of October, I was transferred down to the old First Comptroller's Office to bring up the work there. After the work was completed, on the 3d of December of the same year, I was transferred to the Sixth Auditor's Office. I reported to the Sixth Auditor about 3 o'clock that evening. I handed my transfer to him, and he looked at the transfer and then at my empty sleeve, and from his countenance I could judge—I thought so then, and I was correct, as I found afterwards—what he intended to do. He told me to take it to the chief clerk, and I did so. I was taken over to the money-order division, and went to work at 3 o'clock. On the 5th of the same month he recommended my dismissal for inefficiency and incompetency. I was not discharged until the 9th. Logan Carlisle, chief clerk of the Treasury Department, told me he thought that it was not a fair test—less than two days. He held it up. The Auditor reiterated his charge, and then he could not do otherwise.

The CHAIRMAN. Did he say in what respect you were inefficient?

Mr. DAY. No, sir; I will come to that. He did not say at that time. Now, since the election—I will have to go ahead to explain the matter. I think it was in February last I went there and called for those charges, and I could not find them. But in a day or two I went back, and I found something that purported to be a charge, but not the same one. The charge against me—inefficiency and incompetency—was by itself, but when this charge turned up, after making this effort, I found that there were four or five others included in that, and that it did not say so

just in that language. He said: "I find the following inefficient to do manual labor." I was included with four or five others. That is the one on file now, but it is not the one I saw after I was discharged. Why it is I can not say; evidently it was taken from the rolls and this substituted for it.

I have a letter—I am sorry I have not got it with me—from the man who instructed me on the work, who then wrote a letter giving information to the Auditor which led to my discharge. Now, since he is under a different rule he writes quite a different letter. He says now that there were men there with two hands on the same kind of work who had been there for years who did not do any more than I did, and I had been there less than five days.

The CHAIRMAN. What class of work were you doing at that time?

Mr. DAY. Examining money orders. Then Mr. Logan Carlisle stated to me that if I did not think it was true to make a denial and send it to his father. I did so. It went to the Auditor and from there to the chief of the division and down to this clerk who had instructed me. He wrote a letter whitewashing the matter. Of course he had to reiterate what he had said to the Auditor first. I am sorry I have not that letter with me. I was called unexpectedly and did not know a thing about it until yesterday afternoon. It would show the difference between then and now.

Now, Mr. Chairman, the reason why I said what I did awhile ago, that it was done for political reasons, or because I have an empty sleeve——

The CHAIRMAN. What do you mean by having an empty sleeve? Were you in the Army?

Mr. DAY. Yes, sir.

The CHAIRMAN. Did you lose your arm in the service?

Mr. DAY. Yes, sir. Major Howard was in the rebel army and I was in the Union Army. From the looks of his face, when he saw my empty sleeve, I judged, as I told some gentlemen that evening, that I would stay there but a few days. I did not. That is the reason why I said at first it was done for political reasons or for that reason.

The CHAIRMAN. Did he treat you unkindly? How was his treatment?

Mr. DAY. I was there only a few moments, but just the look of the man when he saw my empty sleeve was enough. When a man sees anything he does not like he is apt to show it in his countenance. But not only that, but three others in the same division who had lost limbs in the Union Army were discharged within two weeks of when I was. I was discharged the 9th of December. Captain Pastell was discharged on the 21st, and Captain Foote on the 24th. Captain Pastell is still out. Captain Foote, I believe, was restored.

When I spoke about being reappointed, do not misunderstand me. I was not restored. I was reappointed. Restoration means placed back where you were. As for the others, of course I do not know positively. I can speak of myself.

The CHAIRMAN. You spoke of Mr. Howard. He is the gentleman to whom you referred in the first instance?

Mr. DAY. Yes, sir.

The CHAIRMAN. You say there was nothing but his looks which gave you the opinion you have expressed?

Mr. DAY. That is all.

The CHAIRMAN. He did not say anything to you to indicate it?

Mr. DAY. No, sir; his acts afterwards confirmed it.

The CHAIRMAN. He did not assign any reason?

Mr. DAY. No. When I went down to trace the matter up I went to him. He said the chief of division had told him so and so; that he had made no charge. I said they considered it that way up at the other end of the line. I went to the chief of the division and he said he had not. That threw it back on the clerk.

GOVERNMENT PRINTING OFFICE.

AGRICULTURAL DEPARTMENT BRANCH.

TESTIMONY OF FRANK I. STEWART.

FRANK I. STEWART, being duly sworn, testified as follows:

The CHAIRMAN. Where do you reside?

Mr. STEWART. 1106 Sixth street NW.

The CHAIRMAN. What is your present occupation?

Mr. STEWART. I am not at present employed. I was previously employed in the Government Printing Office.

The CHAIRMAN. As a compositor?

Mr. STEWART. Yes, sir; as a compositor.

The matter which I wish to bring before the committee is this: I have here the Thirteenth Annual Report of the Civil Service Commission, for the year from July 1, 1895, to June 30, 1896. On page 23 of the Thirteenth Report of the Civil Service Commission one of the paragraphs reads as follows:

> Many other cases of alleged violations of the civil-service act have been investigated by the Commission, and briefs of the most important of those cases may be found in the appendix to the report. Several of them pertain to charges of fraud or unfairness in connection with examinations.

I have examined the appendix to this report and I find no reference to an investigation of the case of George D. Skinner, foreman of the Agricultural branch of the Government Printing Office, which case I know was investigated by the Commission, inasmuch as I have a letter here from the Commission. I find no report of the investigation.

The CHAIRMAN. Do you know of your own knowledge anything as to the investigation of Mr. Skinner?

Mr. STEWART. Yes, sir; I was the instigator of the investigation.

The CHAIRMAN. State anything you know about it within your own knowledge.

Mr. STEWART. Here is a letter from the Civil Service Commission:

"UNITED STATES CIVIL SERVICE COMMISSION,
"*Washington, D. C., June 16, 1896.*

"Mr. FRANK I. STEWART,
"*American House, Washington, D. C.*

"SIR: In reply to your letter of June 13, I inclose herewith a copy of the letter from R. T. O'Connor, clerk of the court of Ramsey County, St. Paul, Minn., in connection with your affidavit in the case of the citizenship of George D. Skinner.

"Very respectfully,

"M. F. HALLORAN, *Acting Secretary.*"

Here is the inclosure:

[Copy.]

"RAMSEY COUNTY, OFFICE OF CLERK OF DISTRICT COURT,
"*St. Paul, Minn., June 8, 1894.*

"Mr. F. I. STEWART,
"*Washington, D. C.*

"DEAR SIR: Replying to yours of the 4th instant, we find that a George D. Skinner made declaration on April 25, 1892, stating that he came to this country from Canada, where he was born, by way of Detroit, in April, 1891.

"Respectfully,

"R. T. O'CONNOR, *Clerk.*
"Per N."

The CHAIRMAN. On what was the investigation based?

Mr. STEWART. The case was this: Mr. Skinner came on to Washington and received an appointment through his uncle, who was then Secretary of Agriculture, J. Sterling Morton, as a laborer in the Agricultural Department. He was subsequently promoted to the position of printer, and after his promotion to the printership or compositor's place he desired to become foreman or superintendent of the division. He then found that it was necessary that he should take the civil-service examination to obtain that position, and, owing to the fact that he was neither a natural-born citizen nor a fully naturalized citizen, as the law of the Civil Service Commission requires he should be, he made oath, which is also on file in the office of the Civil Service Commission, that he was born in Port Huron, Mich. He took the examination and received his promotion. I proved that to their satisfaction by their letter, and it was to the satisfaction of the Commission, for they demanded of Mr. Morton the discharge of Mr. Skinner.

I at that time published an article in the Star with reference to Mr. Morton's action toward me. I think the Commission demanded the discharge of Mr. Skinner, and Mr. Morton went down there and saw them and wanted to know what citizenship had to do with the case, and being informed that it had everything to do with it, he hastened back to the Department and notified the Commission, so I am informed, that much——

The CHAIRMAN. You can not state what you are informed. You may say what happened.

Mr. STEWART. He notified the Commission that much to his surprise Mr. Skinner had tendered his resignation. But notwithstanding the fact of that notification, Mr. Skinner held his position up until some time some weeks ago, when he was discharged by the Hon. Frank W. Palmer on account of charges preferred against him in this case.

The CHAIRMAN. Do I understand you to say that after the Commission recommended his dismissal he was retained.

Mr. STEWART. Yes, sir; retained until a few weeks ago. The Commission notified me. I saw Mr. Doyle, and he said they could not do anything with the Hon. J. Sterling Morton, that he retained the young gentleman in the position notwithstanding the fact that he had perjured himself. I subsequently had Mr. Skinner arrested for this perjury, as I could not get at him otherwise, and the case was nolle prossed in the police court on account of the period prescribed in the statute of limitations having expired.

The CHAIRMAN. Is it your contention that the Civil Service Commission omitted to publish a statement of the case?

Mr. STEWART. Yes, sir. They have omitted to publish any reference to it, and further, they omitted to discharge the young gentleman. I read from page 57 of the Thirteenth Report of the Civil Service Commission, rule 5, clause 3:

3. The Commission may, in its discretion, refuse to examine an applicant or to certify an eligible who * * * has intentionally made a false statement in any material fact, or practiced or attempted to practice any deception or fraud in securing his registration or appointment. Any of the foregoing disqualifications shall be good cause for the removal of an eligible from the service after his appointment.

I claim that the Civil Service Commission failed to enforce their law, if the law is enforceable.

The CHAIRMAN. In regard to this investigation?

Mr. STEWART. Yes, sir.

In reply to Mr. Oyster's testimony, I should like to state a fact.

The CHAIRMAN. You may make any statement you desire.

Mr. STEWART. Mr. Oyster to-day stated that the Typographical Union No. 101, of Washington, D. C., had repeatedly passed resolutions recommending the adoption of civil-service rules in the Government Printing Office. I should like to state how those resolutions were put through the union. The meetings were all packed by employees of the Government Printing Office, who outnumbered the down-town contingency or the down-town printers, and in that way such resolutions as were adopted were passed; and right subsequent to the adoption of such resolutions there was a special meeting held, which required the signature of 25 members of the typographical union, not favoring the action taken by the union at the previous meeting. The matter was submitted to a chapel vote and the action taken by the different chapels resulted in the same action taken by the union as a whole in a body, but from the same cause, that the number of printers in the Government Printing Office naturally predominates over the down-town printers, so that it did not really show the sentiment of the printers as a whole, except those employed under the civil-service rules; and it is the sentiment of the union generally, outside of the Government Printing Office, that the extension of the civil-service rules to the Government Printing Office should never have taken place; that the examinations are not practical.

The CHAIRMAN. In what respect are they not practical? We should be glad to hear you on that point.

Mr. STEWART. Because the major part of the questions are not of a practical nature. The practical part consists in the casting, as we term it in our language, of a table. That is practical. That consists of taking copy and forming it into a table, as it should appear when printed. Then the orthography or spelling might be termed practical. That is used to a great extent in the art of typography, but I do not think that the composition of a letter on George Washington or Andrew Johnson or some other great statesman has anything to do with the work a man subsequently is required to do after he is employed in the Office.

The CHAIRMAN. Do you think they should be subjected to a mathematical test?

Mr. STEWART. I was going to speak of the mathematical question. A majority of the printers are not up on mathematics. I have known printers of superior ability who were not mathematicians; and really mathematics has nothing to do with the performance of their duties when employed, inasmuch as the only mathematical test that would possibly be required of them would be in casting up the table which I have mentioned, and that would only require the addition of figures,

the manipulation of the cast of the table, except casting so many ems and casting up to certain measures. In my opinion the questions in the examination are not practical to any extent, only the minor part being of that nature—only in the instance of the mathematical questions and the orthography, of which I speak.

The CHAIRMAN. How long have you been working at the printer's trade?

Mr. STEWART. I worked as an apprentice boy in the Government Printing Office for four years. Subsequent to my apprenticeship, after I became a journeyman, I worked there up until the time Mr. Benedict came in. Mr. Benedict discharged me for political reasons, which I know. Afterwards, at the latter end of Mr. Benedict's administration, at the earnest solicitation of Mr. Manderson, chairman of the Printing Committee, I was reappointed, and I remained in the Government Printing Office up to a time near the end of Mr. Palmer's first administration, when I received an appointment as manager for the publishing house of Estes & Lauriatt, of Boston, who sent me as manager to Buffalo. From there I went out West and worked in printing offices in numerous towns—Chicago, St. Paul, Minneapolis, Denver, and other cities—and came back here and received an appointment by Mr. Benedict, and worked in the Government Printing Office until about a year ago.

The CHAIRMAN. Did you resign then or were you discharged?

Mr. STEWART. I was discharged.

The CHAIRMAN. For what reason?

Mr. STEWART. For being off without leave of absence. I happened to incur an accident and could not inform the Office of my inability to report, not being in a position to do so because of the accident. I was reported to the superintendent of my division as being absent without leave, and was reported by him to the Public Printer, and by the Public Printer suspended. After suspension of some weeks I saw the superintendent of my division several times and tried to be put back, in which effort I was not successful, and then I desired to resign, and the day I requested the privilege of resigning I was tendered my discharge.

Another infraction of the rules of the Commission occurred then. The discharge which was handed me, on the printed blank form, notified me that my services were no longer required, the stereotyped form. It was dated May 13. That also notified me that my services would be no longer required on and after the expiration of any leave that might be due me. The leave due me extended my time thirty days, up to June 13, and when Mr. Palmer came back I then attempted to be reinstated in the Government Printing Office. I found that my name had been certified to the Commission on May 13, the date of my discharge, but not the date of my virtual discharge.

I claim that I was not separated from the Office until after the expiration of the leave which was due me, inasmuch as the Office has a rule which does not allow a man to make any attempt to be reinstated until after the expiration of the leave which is due him, and the Civil Service Commission rules require that a man shall have twelve months.

Mr. PROCTER. You say that Mr. Skinner resigned after attention was called to the matter?

Mr. STEWART. No, sir; he did not resign. Secretary J. Sterling Morton notified the Commission to that effect.

Mr. PROCTER. Are you certain he did not resign, and was not appointed to another position, which was not under the civil-service rules?

Mr. STEWART. I understood he was transferred to the statistical

division at $1,800 salary, and was then detailed by Secretary Morton to take charge of this division.

Mr. PROCTER. But to a position which was not then under civil-service rules?

Mr. STEWART. As I understand, the division of statistics was not at that time under the civil-service rules.

Mr. PROCTER. You say that you quote from the twenty-third page of the Civil Service Commission's Report, in which the Commission says that the most important of these cases may be found in the appendix to the report. Do you consider this one of the most important cases?

Mr. STEWART. I consider it as important as any case that has been presented in the appendix, inasmuch as it was a case of perjury. If perjury in the procurement of a position in the classified service is not important, I do not know what constitutes importance.

Mr. PROCTER. Was not the man forced to resign on account of the report of the Commission?

Mr. STEWART. If he was technically forced to resign and still held his position, I do not hold that the gentleman was in any way free from the Civil Service Commission.

Mr. PROCTER. But was he not forced to resign from the only position to which the civil-service rules were applicable?

Mr. STEWART. I think not.

Mr. PROCTER. The civil-service rules have nothing to do with those positions which are not included in what we term the classified service.

Mr. STEWART. I will answer that question by asking you another. If this gentleman resigned and still retained his position, what earthly use was there of his resignation?

Mr. PROCTER. He did not retain the same position, according to my understanding.

Mr. STEWART. I beg pardon; he did. I was there on several occasions and saw the gentleman, and can prove conclusively that he held the same position and performed virtually and exactly the same duties.

Mr. PROCTER. He was not on the same roll.

Mr. STEWART. He may not have been on the same piece of paper, and may not have signed the same roll.

Mr. PROCTER. You do not know anything about that?

Mr. STEWART. I do not know what pay roll he signed. I know the duties he performed, and can prove it.

Mr. PROCTER. Of course the Commission can know nothing about what duties a man performs. They only know the roll he goes on.

Mr. STEWART. Does the mere fact of signing another roll exempt him from the rulings of the Civil Service Commission?

Mr. PROCTER. The Commission can take cognizance only of the people who are borne upon the rolls which are included in the classified service.

Mr. STEWART. The Commission were aware of the fact that he still held the same position?

Mr. PROCTER. No; the Commission does not know anything about that.

At 12 o'clock and 10 minutes p.m. the subcommittee adjourned until Tuesday, July 20, 1897, at 10 o'clock a. m.

WASHINGTON, D. C., *Monday, December 13, 1897.*

The subcommittee met at 10 o'clock a. m. Present: Senators Pritchard (chairman), Lodge, Morrill, and Harris; also Hon. John R. Procter, Hon. William G. Rice, and Hon. John B. Harlow, the Civil Service Commissioners, and Mr. G. R. Wales, of the Civil Service Commission.

TREASURY DEPARTMENT.

INTERNAL-REVENUE SERVICE.

FREDERICK T. WALSER, being duly sworn, testified as follows:

The CHAIRMAN. Where do you reside?

Mr. WALSER. I reside at Asheville, N. C.

The CHAIRMAN. What is your present occupation?

Mr. WALSER. Deputy collector of internal revenue for the fifth district of North Carolina.

The CHAIRMAN. How long have you served in that capacity?

Mr. WALSER. My first appointment in the internal-revenue service was in August, 1878, as storekeeper and gauger, and I have filled every position in the internal-revenue service, in the collector's office and outside of it, from storekeeper and gauger at a distillery to that of acting collector. I have been out now and then, but I have been connected with the internal-revenue service since August, 1878.

The CHAIRMAN. We shall be glad to hear any statement that you may have to make in regard to the operation of the civil-service law as respects the internal-revenue system.

Mr. WALSER. As to deputy collectors, it would seem to me as more a matter of law, of construction of the statutes, as to whether the President by executive order could put them under the civil service. Of course the position is sufficient to justify men to take it who are competent to pass the examination. I think it impracticable, though, to put deputy collectors under it, owing to the close relationship that does and should exist between a deputy collector and the collector. In a section like North Carolina, and perhaps in every State, it is impossible to eliminate politics between these officers, and there come conflicts between the deputy collectors and the storekeepers and gaugers and the distillers. A Republican storekeeper and gauger dislikes to serve under a Democratic deputy, and a Democratic storekeeper and gauger dislikes to serve under a Republican deputy. Distillers would always greatly prefer that the deputy collectors and the storekeepers and gaugers should be of the same politics with the Administration.

The CHAIRMAN. Do you think it possible under the old system to secure as good a service as it is under the civil service?

Mr. WALSER. I think it was better, sir.

The CHAIRMAN. Please give us the reasons why you think it was better.

Mr. WALSER. Because, as a general thing, my experience in that district as secretary of the local board of civil service examiners satisfies me that the class of men who pass the civil-service examination are unfitted for the performance of the duties of deputy collectors. They are generally young men, men without any practical business experience, men without the courage necessary to perform the duties of a deputy collector.

The CHAIRMAN. What are the duties of a deputy collector?

Mr. WALSER. The duties of a deputy collector are to survey distilleries, take the bonds, make periodical examinations of the distilleries, police their divisions and detect frauds, make seizures when necessary. In the meantime, in visiting distilleries it is the duty of the deputy collector to examine the records of the storekeepers and gaugers and of the distillers, and to investigate thoroughly the condition of the distilleries that he visits.

The CHAIRMAN. Are they also required to collect taxes?

Mr. WALSER. Yes, sir; it is their duty to collect taxes under warrant of distraint.

The CHAIRMAN. By whom are the deputy collectors appointed?

Mr. WALSER. They are appointed by the collector.

The CHAIRMAN. To whom do they give their bonds?

Mr. WALSER. They give their bonds to the collector.

The CHAIRMAN. When were the deputy collectors in your district placed in the classified service?

Mr. WALSER. That I do not know. I never received the order. It seems to me that it was in the blanket order of the President, probably in the spring of 1896. I never did know the exact date.

The CHAIRMAN. Do you know anything about the political complexion of the deputy collectors of your district at that time?

Mr. WALSER. They were all Democrats except, probably, myself.

The CHAIRMAN. You were the only one left?

Mr. WALSER. I was the only one left—the only Republican in the district.

The CHAIRMAN. How many division deputies had you at that time?

Mr. WALSER. There were thirteen division deputies.

The CHAIRMAN. How many field or special deputies did you have at that time?

Mr. WALSER. There was one general deputy collector and the special deputies operating under the revenue agent. The average is about six.

The CHAIRMAN. How many deputies at that time were assigned to duty in the office?

Mr. WALSER. There were twelve deputies and one clerk in the collector's office, and there was one stamp deputy at Statesville, three stamp deputies at Winston, and one stamp deputy at Mountairy.

The CHAIRMAN. After they were placed in the classified service, you say, you were a member of the civil-service board?

Mr. WALSER. Yes, sir.

The CHAIRMAN. You proceeded to hold an examination for eligibles for the eligible list?

Mr. WALSER. Yes, sir. I do not remember now how many were held; they were semiannual. I reckon the first examination for deputies was in September, 1896.

The CHAIRMAN. Were any of the deputy collectors who were at that time covered by the civil-service order required to stand an examination?

Mr. WALSER. No, sir.

The CHAIRMAN. How many of them, in your judgment, could successully have passed the examination had they been required to stand it?

Mr. WALSER. Of the thirteen division deputies there are not exceedng four who could have passed the examination.

The CHAIRMAN. That is, the scholastic examination as required by the Commission?

Mr. WALSER. Yes, sir.

The CHAIRMAN. How many storekeepers and gaugers have you in that district?

Mr. WALSER. Just at this time there are, I think, about three hundred on the roster.

The CHAIRMAN. How many did you have at the date of the classification of the storekeepers and gaugers?

Mr. WALSER. Of the storekeepers and gaugers there were about four hundred.

Senator LODGE. Have a hundred been dropped?

Mr. WALSER. Yes, sir; about one hundred have been dropped.

Senator LODGE. Because their services were not needed?

Mr. WALSER. Well, no, sir.

The CHAIRMAN. I should like to have you explain why it was that you had such a great number of storekeepers and gaugers at that particular time.

Mr. WALSER. They were just simply appointed as a reward for political services. Between the 14th of April, 1894, and June 10, 1894, the commissions of 329 Republican storekeepers and gaugers were revoked, and on December 12, 1894, I think, the Executive order was issued embracing storekeepers and gaugers and clerks in the internal-revenue service.

Mr. LODGE. In 1896, you mean?

Mr. WALSER. No, sir; in 1894. The first examination in our district was held on August 3, 1895.

The CHAIRMAN. How many of the men out of that number were actually employed in the Government service at that time?

Mr. WALSER. Two hundred and fifty at that time were employed. The average number of distilleries in the fifth district from 1888 up to 1895 was about three hundred. But from that time up until July of this year they decreased, and when the new collector took charge, on July 6, 1897, there were only about one hundred and twenty-five distilleries in operation.

The CHAIRMAN. From the experience you have had in the collector's office, what is your opinion as to the classification of storekeepers and gaugers? Do you think they should be classified?

Mr. WALSER. No, sir; the same reasons apply in that case that apply in regard to deputy collectors. The class of men who are competent to pass the civil-service examination are not fitted at all to deal with the men with whom they have to deal. They may have the integrity, but they have not the courage necessary to perform the duties of a storekeeper and gauger and be faithful to the interests of the Government.

The CHAIRMAN. What is the salary paid the ordinary storekeeper and gauger?

Mr. WALSER. His salary is $2 per day while under assignment, and that is very uncertain. There are numbers of storekeepers on the roster of the district who have been there for years and who have never been assigned to a distillery. Frequently men are under commission and get no more than three months' work.

Senator LODGE. What is the nature of the civil-service examination for storekeepers and gaugers?

Mr. WALSER. Well, I believe the first is spelling. Then there is a letter to be written on a subject to be given by the Commission, and copying. Then there are five examples in arithmetic, and then, I believe, five questions on physics appertaining to gauging. Now, there comes in the impracticability of the examination. When a man passes

that examination he knows no more about the duties of his office than he knew before, and it is no test of his qualification for the performance of those duties.

Senator LODGE. Do you think that a knowledge of spelling, writing a letter, copying, and arithmetic disqualifies a man from being a gauger?

Mr. WALSER. No, sir; but it does not make him a better gauger.

Senator LODGE. That was not my question, exactly. I understood your statement to be that the men you get through the examinations are not fit to be gaugers, and that the men who are fit to be gaugers and storekeepers could not pass those examinations. What I want to get at is why the examinations should be a disqualification for performing the duties.

Mr. WALSER. I did not intend to say that the examination disqualifies them. It does not. But as a general thing the men who pass the examination have not other qualifications, and the examination does not help them at all in the performance of their duties.

Senator LODGE. And the men who are suited to be storekeepers and gaugers are unable to pass the examination?

Mr. WALSER. Yes, sir; they are generally men who have lived in the country, and for $2 a day they go to one of these little distilleries and as a general thing help the distiller slop his hogs and build his fires, and do little chores around the distillery. The men who are competent to pass the examination will not accept those positions. Out of 48 eligibles resulting from the examination in March last I do not think that there were more than 7 of the 48 who were applicants for storekeeper and gauger, and of those a majority of them are unwilling to take the position, because they said they just took the examination with the expectation that they would be made general storekeepers and gaugers and receive $3 a day and merely withdraw spirits from suspended warehouses, which is a very pretty place with no responsibility.

Senator LODGE. Storekeepers and gaugers are bonded?

Mr. WALSER. Yes, sir; they are appointed by the Secretary of the Treasury and execute a bond in the penal sum of $5,000 to the Government.

Senator LODGE. The deputy gives his personal bond to the collector and the storekeeper and gauger gives his bond to the Government?

Mr. WALSER. Yes, sir.

The CHAIRMAN. The storekeeper and gauger is an officer of the Government acting directly under the Secretary of the Treasury.

Senator LODGE. That is what I thought. I only wanted to bring it out.

Mr. WALSER. I find that one great disadvantage in the appointment of storekeepers and gaugers by an examination is that the eligibles resulting from the examinations generally live around the towns, and frequently the eligibles are from sections where there are no distilleries at all, and from the sections where there are distilleries there are no eligibles. In that district it has been demonstrated repeatedly, and demonstrated very recently, that it is impracticable to send men from one section of a district to another. In the last list of 48 my memory is that there were 19 eligibles from the county of Buncombe, and there is not a distillery in the county, with already some storekeepers and gaugers in it. In the county of Wilkes, which has had as many as 50 distilleries and now has 30, there are only 10 storekeepers and gaugers, and since there is a Republican deputy there they do not want to go on duty.

The CHAIRMAN. Do they refuse to go on duty?

Mr. WALSER. Yes, sir. The consequence is that there are a great

many temporary storekeepers and gaugers assigned. On the 1st of December the collector assigned 50 storekeepers and gaugers from divisions in which there were no distilleries and sent them down to Wilkes and Yadkin and Davidson, where there were distilleries, and as far as I have heard from them about one-fourth have put in an appearance.

The CHAIRMAN. Your chief objection, then, is that the class of men you get on the eligible list are men who will refuse to go and serve at distilleries where the pay is only $2 a day?

Mr. WALSER. Yes, sir.

The CHAIRMAN. And they refuse to go from beyond the Blue Ridge down to Wilkesboro and other places and serve at $2 a day?

Mr. WALSER. Yes, sir; and they are improperly distributed under it. Under the old system if there were 30 distilleries in the county the collector would appoint 35 storekeepers and gaugers in that county, and if the distilleries increased he could increase the number, since storekeepers and gaugers always under that system were appointed by the Secretary of the Treasury on the recommendation of the collector through the Commissioner of Internal Revenue. In that way he simply made the appointments in the counties where the distilleries were located.

The CHAIRMAN. Is it not a fact that the Internal-Revenue Bureau has tested from time to time the qualifications of storekeepers and gaugers appointed in the manner you state by having the revenue agents examine them in making their tours through a district?

Mr. WALSER. Yes, sir. That kind of an examination had fallen into disuse a little, but they were generally required to go on duty before they were commissioned; that is, to go to a distillery or to some officer who knew all about the duties and learn them before they would be given an assignment to duty or an appointment. The Commissioner of Internal Revenue used to send agents out for purposes of instruction. They had a special gauger in the district for many years.

The CHAIRMAN. What were the duties of that special agent?

Mr. WALSER. His duties were to visit the distilleries in operation and to regauge the spirits as gauged by the storekeeper and gauger, to examine his records and see whether they were right or not, and then examine the storekeeper and gauger as to his knowledge of the law and the duties of a gauger and storekeeper.

Senator HARRIS. At the beginning of your testimony you said that a Republican storekeeper and gauger dislikes to serve under a Democratic collector, and vice versa?

Mr. WALSER. Yes, sir.

Senator HARRIS. Then you also said that the distillers prefer that the storekeepers and gaugers and the collector and the deputy collectors shall be of the same political party?

Mr. WALSER. Yes, sir.

Senator HARRIS. Can you give any reason why the distillers should have a preference of that kind?

Mr. WALSER. There are a great many seizures for technical violations of law, and they are apprehensive that if the officers cross that way probably a deputy collector, if he be a Democrat, would like to secure the dismissal of a Republican storekeeper and gauger, and in making charges it would involve them.

Senator HARRIS. I do not see that the distiller would have anything to fear if he were doing his duty—that is, if he were making an honest accounting of everything.

Mr. WALSER. Yes, I know; but they may not account for it.

Senator HARRIS. Is not the fact that you state true, and to be explained by the fact that it is easier to manipulate things improperly when they are of the same political party?

Mr. WALSER. I do not know, sir. I do not think that it is any easier.

Senator HARRIS. Again, you said it is better to take storekeepers and gaugers from the immediate locality where there are distilleries?

Mr. WALSER. Yes, sir.

Senator HARRIS. Would it not result in better service, as it generally does, to take storekeepers and gaugers from remote districts and bring them to places where they have absolutely no personal connection whatever and could have none?

Mr. WALSER. There is one view of it in which that would be best, but there are two other principles that conflict with it. The first is that the pay is not sufficient to justify men to go from one section to another. Then there is the principle of home rule that is pretty strong with all those distillers. When you send a man from a distance they say, "We furnish the capital to run this business and we are entitled to have our own people as officers." So when you send a storekeeper and gauger from another section of the country there he exercises his right under the law and suspends operations.

Senator HARRIS. Do you think that a distiller should have anything to say as to the man, or where he is from, or anything about it, who is there as a guardian of the Government's interests?

Mr. WALSER. In one sense, no, sir; and they will say to you, "We do not care; you can send a Democrat or you can send a Republican, if you will just send a man from our county. We do not care anything about who he is; but we think we are entitled to this; and we are unwilling to invest our capital and operate with officers from another section."

Senator HARRIS. Your suggestion was that they want them to be of the same political party in the first place?

Mr. WALSER. Yes.

Senator HARRIS. And then they want them from their own immediate vicinity?

Mr. WALSER. Yes.

Senator HARRIS. The query in my mind is, what would be the motive, and if they had any such reason or thought why they should be consulted at all in the matter.

Mr. WALSER. They are not consulted in the assignments.

The CHAIRMAN. Does the collector ever consult the distiller as to who he sends to the distillery?

Mr. WALSER. No, sir; and it has been a fixed rule with the collectors of that district for years that they would not consider any statement made by a distiller in regard to the assignment of a storekeeper and gauger.

Senator HARRIS. But you were making the wishes of the distiller a matter of some significance and importance in objecting to the result of the civil service, as I understood you.

Mr. WALSER. Well, it was only in this way—that as to the operation of distilleries of course the officer will exercise his right to suspend, but the collector always makes the assignment without regard to the distiller's wishes.

The CHAIRMAN. What is the sentiment of the people living in Wilkes County? Are they in favor of the collector sending deputies from other counties into that county?

Mr. WALSER. No, sir; they are bitterly opposed to it. One man was sent down there from Iredell County the other day and they set on him and run him away from the distillery. He was one of the appointees from the eligible list. The collector assigns them just as fast as they are appointed.

Senator HARRIS. He was not run away because he could pass the examination?

Mr. WALSER. Oh, no; he was not run away on that account, but because of the other idea.

Senator LODGE. He was not run away because he could spell and cipher?

Mr. WALSER. No, sir; he was not run away because he could do that.

Senator LODGE. He was run off, I suppose, because he came from another part of the State?

Mr. WALSER. Yes, sir; that was it.

Senator LODGE. And to that the distillers object?

Mr. WALSER. Yes.

The CHAIRMAN. How many Republicans did you have acting as storekeepers and gaugers on the 1st day of last June in that district?

Mr. WALSER. We had one. There were really three in commission as storekeeper and gauger and one as storekeeper.

The CHAIRMAN. How long had the storekeepers at that date been in the classified service?

Mr. WALSER. They had been in for two years, from August 3, 1895.

The CHAIRMAN. How many Democrats were acting as storekeepers and gaugers at that time?

Mr. WALSER. There were about four hundred.

The CHAIRMAN. Do you think that parties who were covered by the civil service law should be required to stand an examination in order to test the qualification of the storekeepers and gaugers who are appointed there? That is, assuming that the law is to remain as it is, do you think that they should also be required to stand an examination?

Mr. WALSER. Yes, sir; I think they should be required to stand the same examination with others that come in. They should be put on an equal footing.

Mr. PROCTER. You have been in the service, you say, Mr. Walser, since 1878. You have not been in continuously?

Mr. WALSER. No; I have not been in continuously. I was out from July, 1881, to July, 1883. I resigned in July, 1881.

Mr. PROCTER. You know something about the service continually since 1878?

Mr. WALSER. Yes, sir.

Mr. PROCTER. You are secretary of the local board?

Mr. WALSER. I am secretary of the local board.

Mr. PROCTER. I understood you to say that there have been complete changes in the force when there has been a change of Administration, and that you are practically the only man left on the force of deputies?

Mr. WALSER. Yes, sir; I was under the last Administration.

Mr. PROCTER. Under President Harrison's Administration the majority of the force were Republicans?

Mr. WALSER. Yes, sir.

Mr. PROCTER. You think they were efficient people, mostly?

Mr. WALSER. They were generally efficient.

Mr. PROCTER. Yet when there was a change of Administration they were all dismissed and Democrats were appointed?

Mr. WALSER. Yes, sir.

Mr. PROCTER. It did not matter whether they were competent or not, when there was a change of Administration there was a change of force?

Mr. WALSER. Yes, sir.

Mr. PROCTER. I understood you to say that a large majority of the people who were in the office when it was classified could not pass the civil-service examination.

Mr. WALSER. Of the division deputies?

Mr. PROCTER. Of the division deputies.

Mr. WALSER. Yes, sir; but I believe a majority of those in the office could have passed the examination.

Mr. PROCTER. I understood you to say that you think it is impossible to eliminate politics.

Mr. WALSER. I do believe so.

Mr. PROCTER. Is not the internal-revenue service charged exclusively with the collection of revenue?

Mr. WALSER. Yes, sir.

Mr. PROCTER. Is it not true that, no matter what party happens to be in power, the force in the internal-revenue districts are very active in politics?

Mr. WALSER. Yes, sir; they are generally active.

Mr. PROCTER. They generally have a good deal to do with political conventions and primaries?

Mr. WALSER. Yes, sir.

Mr. PROCTER. You think the distillers always prefer that the deputies and the storekeepers and gaugers should be in sympathy with the Administration?

Mr. WALSER. Yes, sir.

Mr. PROCTER. Do you think it is wise to consider the wishes of the distillers in a matter of that sort?

Mr. WALSER. No, sir; I do not know that they should be considered in that respect.

Mr. PROCTER. Do you remember hearing of the whisky frauds in the United States, particularly in the States where there were very large distilleries, in the early seventies?

Mr. WALSER. I do not remember much about it.

Senator LODGE. Was it not in 1872?

Mr. PROCTER. In 1872 and 1873. (To Mr. Walser.) You are not aware of the fact that it was claimed then that the Government was defrauded of $75,000,000 by the whisky frauds, and that those frauds were made possible by the fact that the internal-revenue service was a political organization——

The CHAIRMAN. He says he does not remember it. I suggest that you get down to the matter at issue.

Mr. PROCTER. Made possible by the fact that it was a political organization rather than a business organization. You do not remember that?

Mr. WALSER. No, sir; I do not.

Senator LODGE. I do not think those frauds were committed in North Carolina.

Mr. PROCTER. They were not committed in North Carolina.

The CHAIRMAN. I do not think the inquiry is pertinent to this investigation.

Mr. PROCTER. You say that at the time of the inclusion all of the deputies were Democrats except yourself?

Mr. WALSER. Yes, sir.

Mr. PROCTER. And that of the thirteen division deputies only four could have passed the examination?

Mr. WALSER. I do not think more than four could have passed it.

Mr. PROCTER. Are you aware that the examination such as the Commission holds is an examination indicated by the Internal Revenue Department?

Mr. WALSER. I do not know whence it comes or who directed it.

Mr. PROCTER. If, of the thirteen division deputies, only four could have passed the examination, do you think it is a very good system which would give to your district thirteen division deputies who could not pass the examination required by the Internal Revenue Commissioner or the Internal Revenue Office?

Mr. WALSER. I do not consider the examination a test of a man's fitness for the performance of the duties of deputy collector.

Mr. PROCTER. Did I not understand you to say that, it being impossible to eliminate politics, most of the employees were political appointees?

Mr. WALSER. Yes, sir.

Mr. PROCTER. That applies to the deputies, the storekeepers, and gaugers.

Mr. WALSER. Yes, sir; one of the best division deputies in our district is a man who can not spell. He would spell "examine" e-x-a-m-o-n, and spell in that way throughout, but he is one of the best officers, a man of the highest integrity and fitness in every other respect.

Mr. PROCTER. I understand you to say most of those people receive very small pay. How many of the storekeepers and gaugers receive to exceed $300 in any one year?

Mr. WALSER. All the storekeepers and gaugers, if on duty every day in the year, would exceed that sum.

Mr. PROCTER. But in practice they do not?

Mr. WALSER. No, sir; a great many of them are not assigned at all.

Mr. PROCTER. Have you ever examined clause 8 of rule 3, which says:

"The following-mentioned positions or employees shall not be subject to the provisions of these rules:

"(*a*) Any position filled by a person whose place of private business is conveniently located for his performance of the duties of said position, or any position filled by a person remunerated in one sum both for services rendered therein and for necessary rent, fuel, and lights furnished for the performance of the duties thereof: *Provided*, That in either case the performance of the duties of said position requires only a portion of the time and attention of the occupant, paying him a compensation not exceeding, for his personal salary only, three hundred dollars per annum, and permitting of his pursuing other regular business or occupation."

By that clause one whose remuneration does not exceed $300 is not included in the classification. I will ask you whether that might not eliminate a great many of the people holding the smaller positions?

Mr. WALSER. Yes, sir; it might eliminate them if it were applied.

Mr. PROCTER. And for the positions that pay over $300 you would probably get good people to take the examination. You are aware that when a man who is on the eligible register refuses service he goes off the register?

Mr. WALSER. Yes, sir.

Mr. PROCTER. He is dropped off. Are you aware that in the recent West Virginia cases, tried in the courts, the contention of the collector was that he should have the privilege of assigning storekeepers and gaugers from one county to another in order to prevent collusion between the storekeepers and gaugers and the distillers?

Mr. WALSER. I do not remember that I noted that fact.

Senator LODGE. If I may ask a question here, am I to understand that the contention in the West Virginia cases was that such employees ought not to be subjected to examinations, because the collector ought to have the ability to take them from other places?

Mr. PROCTER. The contention in the West Virginia cases was that the collector should have the right to assign from one district to another, so that he could assign men who were not acquainted with the distiller.

Senator LODGE. There is no doubt of the right of assignment?

Mr. PROCTER. No.

Mr. WALSER. There is no question of the right.

Mr. PROCTER. But the question there was whether taking a man off an assignment was not a removal. The judge decided that where he was removed from an assignment for political reasons it was removal.

The CHAIRMAN. That, even though it was in the interest of the service, he could not do it.

Mr. PROCTER. He went further than that, and said the widest liberty of assignment from one district to another ought to be exercised in the interest of the service.

Senator LODGE. That is what I wish to ascertain. The objection in West Virginia was that the civil-service system interfered with the assignment of a man from one county to another.

Mr. PROCTER. No; the contention of the collector was that he should have the liberty of assignment; and the judge decided that he ought to have the liberty of assignment, but that to revoke an assignment for political reasons was contrary to law.

The CHAIRMAN. That referred, not to sending men from one district to another, but to the collector's right to revoke an assignment when in his judgment the service required it.

Mr. PROCTER. The argument was that the internal-revenue office should have the broadest privilege of assignment.

The CHAIRMAN. But the question of assignment from one section to another was not involved. It was purely a question of the revocation of an assignment when it was not a proper one.

Mr. WALSER. In the Fifth district that power has been exercised repeatedly, perhaps for the same purpose. Where there has been any intimation that fraud was committed at a distillery, and the collector had a man of integrity who he thought would protect the interests of the Government there, he has always assigned him, it made no difference where it was.

Mr. PROCTER. In your opinion, after your long experience in the internal-revenue service, if you could get the revenue service on the same business principle that exists now as to the Railway Mail Service and the carrier service and the customs service, in some of the cities—a purely nonpolitical business basis—would it not be better for the collection of internal revenue?

Mr. WALSER. It might be, if it could be got to that point; but it is not a system like the Railway Mail Service.

Mr. PROCTER. But it is like the customs service.

Mr. WALSER. I do not know whether it is altogether like it. You

see, we have to deal with these little distilleries. I suppose you could get up a practical examination.

Mr. PROCTER. But as to the smaller distilleries, where the officers make less than $300, the rules provide that they shall not be included.

Mr. WALSER. The difficulty is, you can not tell when it will be $300 and when it will not. You may assign a man to a distillery, and he may run for twelve months; and if you find no fraud, and the collector sees fit to leave him there, his salary, as a matter of course, would be $600.

Mr. PROCTER. I see.

Mr. WALSER. But he may go on duty and be suspended within sixty days, and it may be at a distillery where it was expected he would be on duty all the while for the year. There is where the trouble comes in. The distillers exercise the right to suspend whenever they get ready, and sometimes, you know, they have accumulated a little corn, perhaps from their crops or from their neighbors' crops, and they merely start and distill that and stop. Of course the collector, when they file their survey and notice and bond, has knowledge as to how long they are going to operate.

Mr. PROCTER. Your district is probably different from almost any other in the United States.

Mr. WALSER. Yes, sir; I suppose it is somewhat different from any other in the United States. There are more small distilleries.

Senator LODGE. It is one of the mountain districts?

Mr. WALSER. Yes, sir. There are forty counties in western North Carolina.

Mr. PROCTER. It is the largest mountain district.

Mr. WALSER. They are rough. Take Wilkes, which is all mountains and all rough, and, as I stated awhile ago, there have been as many as 50 grain distilleries operated in the county. During the past season there were 200 brandy distilleries registered in Wilkes County, and then Yadkin County and Iredell each have had as many as 50 grain distilleries, and the majority of them have a capacity of 3 bushels daily.

Mr. PROCTER. Let me ask you, please, whether it is not true that under the old system sometimes gaugers, storekeepers, and even deputy collectors who had been removed for a just cause under one Administration would be reinstated under the next Administration?

Mr. WALSER. No, sir; I do not think I have ever known of an instance of that kind, from the simple fact that the Commissioner of Internal Revenue, or at least the Office of the Commissioner of Internal Revenue, keeps a record of every charge that is filed against an internal-revenue officer, and if at any time such a man is an applicant for a position in the internal-revenue service, when his name is submitted by the collector he is politely informed that he is not eligible.

Mr. PROCTER. Are you aware that in the 1896 report of the Commissioner of Internal Revenue it is stated as a fact that men who had been removed for cause had, through pressure, been reinstated, and that under the present system no man can be reinstated who has been dismissed for delinquency or misconduct?

Mr. WALSER. I do not remember any instances of the reinstatement of men against whom charges were made. In a district like that, there is great trouble in filing charges against incompetent men or against men who are unfaithful to the interests of the Government.

The CHAIRMAN. Is it not a fact that the class of storekeepers and gaugers to whom you have referred are under the constant supervision of the deputy collectors and internal revenue agents of the district?

Mr. WALSER. Yes, sir.

The CHAIRMAN. Is it not the duty of the deputy collectors and the internal-revenue agents to see that those men are qualified, and to report to the collector any dereliction of duty on their part?

Mr. WALSER. Yes, sir.

Senator LODGE. It is practically impossible to apply the $300 a year exception to storekeepers and gaugers, because you can not tell how long a man is going to be employed. The exception amounts to nothing.

Mr. WALSER. It amounts to nothing at all.

The CHAIRMAN. Do you not think the way to meet the matter is to provide that those receiving $2 a day shall be excepted?

Mr. WALSER. Yes, sir.

The CHAIRMAN. Is is not a fact that when a distillery has a large capacity, making 20 or 40 gallons a day, the pay of the storekeeper is greater than in a small distillery?

Mr. WALSER. It is $3 a day where they mash in excess of 20 bushels a day.

The CHAIRMAN. So at the large distilleries they get a different grade of men, and the pay is greater?

Mr. WALSER. Yes, sir.

Mr. PROCTER. The Commissioner of Internal Revenue can designate the number of storekeepers, gaugers, or deputies in a district?

Mr. WALSER. He does determine the number of deputies, but storekeepers and gaugers come under the law in regard to 15 per cent in excess of those actually assigned. However, the rule has never been strictly enforced in that district, though it is well-nigh so, for there has been for years an average of 300 distilleries in the district, and the number of storekeepers and gaugers has generally been about 345.

You will remember that under the act of August 28, 1894, the collector was authorized to assign an officer holding the combined position of storekeeper-gauger to the performance of the separate duties of a gauger or of a storekeeper, and under that authority there are now scarcely any gaugers in our district; there are only four or five. But generally until that time there were about 50 gaugers in commission in the district, because they always employed about 30 each season for about four months.

Mr. PROCTER. Your duties in the office are principally clerical?

Mr. WALSER. Yes, sir.

Mr. PROCTER. Although you are a deputy?

Mr. WALSER. Yes, sir.

Mr. PROCTER. Are there not other deputies whose duties are clerical?

Mr. WALSER. There are only two or three who do clerical work. They have a good deal of other work to do outside of mere clerical duties. Take the clerk in charge of seizures in that district. He must be a good business man in addition to being a good clerk.

The CHAIRMAN. He must have executive ability as well as clerical skill?

Mr. WALSER. Yes, sir; he must know something about law and forms. Take the clerks in charge of the bonds. They must have some knowledge of law and of general business.

The CHAIRMAN. How many clerks have you in the office?

Mr. WALSER. There are 13 employees in it.

The CHAIRMAN. I mean clerks, strickly speaking.

Mr. WALSER. There is only one clerk in the collector's office, and there is one clerk in the branch office at Winston.

Mr. PROCTER. The man who has charge of the seizures works in the office?

Mr. WALSER. Yes, sir; he works in the office.

The CHAIRMAN. How many general storekeepers and gaugers are there in your district?

Mr. WALSER. Five.

Mr. PROCTER. I understand you have always been considered one of the most efficient men in the office. However, you need make no reply to that observation. But were you not reduced when the Democratic collector came in?

Mr. WALSER. Yes, sir; I was reduced.

Senator LODGE. Why were you——

Mr. PROCTER. But you were retained because of your knowledge of the affairs of the collector's office?

Senator LODGE. I was going to ask why he was retained in such a general slaughter.

Mr. WALSER. I do not know. Because of my long experience, I suppose; and there may have been something personal with the Democratic collector.

The CHAIRMAN. Is it not a fact that they said they could not get along without you? The collector said to me, "I shall resign if they require me to dismiss Mr. Walser. I will not hold the office."

At 11 o'clock and 40 minutes a. m. the subcommittee adjourned until Monday, December 20, 1897, at 10 o'clock a. m.

MONDAY, *December 20, 1897.*

The subcommittee met at 10 o'clock a. m. Present: Senators Pritchard (chairman) and Lodge; also Hon. John R. Procter, president of the Civil Service Commission; Mr. G. R. Wales, of the Civil Service Commission, and Hon. Henry M. Baker, acting president of the National Anti-Civil Service League.

DEPARTMENT OF THE INTERIOR.

BUREAU OF PENSIONS.

TESTIMONY OF HON. H. CLAY EVANS, COMMISSIONER OF PENSIONS.

Hon. H. CLAY EVANS, Commissioner of Pensions, appeared and testified as follows:

The CHAIRMAN. Senator Lodge wishes to ask the Commissioner some questions.

Senator LODGE. I simply want to ask the Commissioner along the general line of the investigation this committee has been holding, and that is as to the civil-service law in the different departments of the Pension Office.

Commissioner EVANS. You wish my opinion, Senator?

Senator LODGE. I wish to ascertain your opinion in regard to it. First, we will hear you as to the Department clerks here.

Commissioner EVANS. You mean as to the success of the system?

Senator LODGE. Do you think it would be a good thing to abolish the civil-service system as to clerks?

Commissioner EVANS. No, sir; I do not. I think it would be a good thing to limit it. I was a civil-service reformer, so called. But it is a good deal like free trade to me; it does not work out. The best men I have in my Bureau are men who came in through what is called the spoils system. They have nobody behind them. They do their duty. They never appeal to the Civil Service Commission, and they expect to hold their positions by doing their duty in the Bureau.

Senator LODGE. Those are the men who have been in the Bureau for a long time?

Commissioner EVANS. Yes, sir.

Senator LODGE. What is the present arrangement in regard to the medical boards?

Commissioner EVANS. The last Administration put all medical boards, or, rather, all medical examiners—that is, the members of the local boards, you may say—in the classified service.

Senator LODGE. I do not refer to the special examiners who are sent out.

Commissioner EVANS. No; the medical examiners, not the special examiners.

Senator LODGE. I refer to the medical boards.

Commissioner EVANS. Those *are* the medical examiners, the local boards. All the individual members earning over $300 are put within the classified service. That puts some whole boards under the classified service, or two members possibly under the classified service and one out, or one member within the classified service and two out. I suppose you have had complaints that I have been violating the civil-service law. I have seen it so stated. I contend that I have not. I do not understand that I have.

Senator LODGE. I have heard no complaint of that kind. Then the present system causes great confusion in the tenure of the members of those boards?

Commissioner EVANS. Yes, sir.

Senator LODGE. How are they paid?

Commissioner EVANS. They are paid by fees. I will explain it. I have nothing to cover up in this matter at all. There is no doubt in my opinion that many boards were appointed during the last Administration because they were "soldier haters." You know what that meant during the war and what it has meant since. Ex-soldiers complain of it; they will not go before those boards. This applies to some boards. The ex-soldiers will go off to neighboring towns, paying their expenses, and so they complain against the Bureau. But I have had numerous complaints of this kind where their orders for appearing before the boards are returned. I have, in some cases, appointed a second board. It is no additional expense on the Government. In fact, it is less, because if the claimant shows on a good statement that he has been unfairly dealt with he is entitled to a second examination and we will order him before some other board. So the Government pays two fees. I have in some cases, Senator, appointed a second board. The gentlemen who are under the civil service I have not removed.

Senator LODGE. I am aware of that.

Commissioner EVANS. As to whether it would be right or wrong to remove them, I am not going into that. They may be good physicians, but nevertheless there is prejudice against them, and I appoint a second board.

Senator LODGE. Were the existing boards appointed after examination?

Commissioner EVANS. No, sir; they were covered in without any examination.

The CHAIRMAN. Do you remember at what date?

Commissioner EVANS. I do not remember the order. It is the date in 1896.

Mr. PROCTER. Do you mean the additional boards appointed?

Senator LODGE. Those covered in.

Commissioner EVANS. Those covered in. I think it was in November, 1896.

Senator LODGE. What I want to get at is whether the great body of those boards at the present moment are composed of men who went upon them without any examination?

Commissioner EVANS. All of them, with the exception, possibly, of half a dozen.

Senator LODGE. Who have been appointed since?

Commissioner EVANS. Yes.

Senator LODGE. That is what I thought. On the same board you have one man in the classified service and two outside?

Commissioner EVANS. Yes.

Senator LODGE. And they are all paid by fees?

Commissioner EVANS. They are all paid by fees.

Senator LODGE. And you have taken the ground that no man can be removed from those boards except on charges?

Commissioner EVANS. Yes, sir; that is it. At first, until recent orders, I removed some and reinstated ex-soldiers who had been surgeons possibly in the Army, or had graduated afterwards, and who had been members of the board before. I reinstated some of those under rule 9.

Senator LODGE. I should like to put a case which has occurred within my own knowledge, and ask if such cases are at all common, or if this case is exceptional. On one of the Boston boards there were two army surgeons appointed under President Harrison. Both were doctors in good practice, and I never heard the slightest complaint as to their professional capacity. They were both removed. One of the places was filled by a man who was brought from Indiana and put on the board, who had absolutely no knowledge whatever of the State. He is now holding that position. As I understand it, those two army surgeons can not be reinstated unless a removal is made upon charges.

Commissioner EVANS. Yes; that is the case now, Senator.

Senator LODGE. That is what I want to get at.

Commissioner EVANS. To give you some data, for instance, New York has six boards. It had three at the beginning of the last Administration. It created three more. All those were covered into the civil service without examination. There have been no changes at all in those boards. There has been some disposition at a time or two, but it was never vigorous. In Brooklyn there were, I think, three boards. I created one new board. I hold that the men who are under the civil service are entitled to the benefit of the civil service and are not to be removed without charges, but in order to reduce the number of complaints I created a new board of men who are competent, experienced, and so on. I do not claim that the city is entirely under the civil service, but the boards that were closed in I am disturbing.

There is a very peculiar condition as to those boards. I hear through surgeons, I hear through Members of Congress, I hear through Senators that the most experienced men, men of long years of experience, men, possibly, who have served in the Army and were accustomed to

amputations on the field of battle and know the results of such amputations, and so on, will not go before the civil-service examining boards, because with the young man who is just out of college or is up to date and in up-to-date terms they do not like to compete. This is the story they tell me. In consequence it deprives the Bureau of the opportunity of employing surgeons of long experience in organizing these new boards. You understand that the great majority of them are not under the civil service at all.

Senator LODGE. The great majority receive less than $300 apiece?

Commissioner EVANS. Yes, sir; the great majority of them run from $50 apiece up, say, to $200.

The CHAIRMAN. How many have been affected by this order?

Commissioner EVANS. I could get the exact number. I should say, on an estimate, about 150. They are in the larger cities.

Senator LODGE. And, roughly, how many boards are there?

Commissioner EVANS. There are between 1,300 and 1,400 now, I would say.

Senator LODGE. There is then an absolute lack of uniformity in the way those medical examining boards stand to-day?

Commissioner EVANS. Yes, sir.

Senator LODGE. Some are classified and some are not classified?

Commissioner EVANS. Yes, sir. There is no qualification that put them under the civil service except their earnings—the fees.

The CHAIRMAN. Those who are not classified are expected to do the same grade of work as those who are classified, are they not?

Commissioner EVANS. Exactly. Take a man in your part of the country, for instance. I insist that if there is any benefit of skill secured by the civil service, the man who lives in the country is entitled to just as good service in being examined as the man who lives in a city. This matter has brought great criticism upon the Bureau. I have endeavored to get along with it as peaceably as I can, though I think the Civil Service Commission have been worried with all sorts of communications. I get them, referred around, in packages of a dozen or two at a time. A great many doctors do not understand the difference between those who are in the civil service and those who are not.

Senator LODGE. What I want to bring out, as you see very plainly, is that there is an absolute lack of uniformity in the system.

Commissioner EVANS. Yes, sir; there is.

Senator LODGE. Would it not be better to begin anew and have every doctor on every board examined under the civil service and appointed in that way, or else have them all appointed by the Commissioner? That is, would it not be better to have a uniform system of appointment throughout those boards?

Commissioner EVANS. Oh, it would be, of course. The system is wrong.

Senator LODGE. Now neither system is applied?

Commissioner EVANS. It was wrong from the start, but now it is in a condition where it has to be handled very carefully. I have endeavored to do it so as to create as little friction as possible, and, as I said, where the civil-service boards exist I am not changing them.

As I started to tell you, there has been one change made in Philadelphia. I removed one doctor there and reinstated a man who had been on the board under the Harrison Administration, who stood very high not only in his practice, but in the affections of the Grand Army people. I do not think that he is, as a physician, any more liberal than the others, yet the Grand Army fellows like him better. He is sympathetic,

and so on. I removed one man and reinstated him. To show you how it worked, the one whom I removed came over here to see me. He was a very nice, gentlemanly fellow, and introduced himself. He said he had been removed and asked what the charges were. I said there were none. "Oh, well," he said, "that is all right if there are no charges." I said, "I do not want to make charges against a man going out. The man who was reinstated in your place was removed four years ago to give you the place, and now I reinstate him, as I understand he is eligible to reinstatement under rule 9 of the civil service." I reinstated him. That is the only change which has been made in the boards in Philadelphia.

Senator LODGE. You have not applied that system to Boston?

Commissioner EVANS. No; there was some talk of it, but they did not get to do it. Orders were issued that there should be charges.

Senator LODGE. To come back, now, to the general system—that is, as to the great body of clerks in your office—are there many clerks who could be dropped from the rolls without impairing the efficiency of the service?

Commissioner EVANS. There are quite a number who could be dropped without impairing the efficiency of the service at all.

Senator LODGE. Why are they not dropped?

Commissioner EVANS. I have dropped some along. I almost always get into more or less trouble over it; and now I could not well drop anybody without a court-martial. They would appeal to the Civil Service Commission and bring them down on me. They do not want to be dropped.

Senator LODGE. The Civil Service Commission, I take it, do not interfere in a case where a man is dropped for inefficiency?

Commissioner EVANS. No, I do not think they do. In fact, I talked with one or two members of the Civil Service Commission who decidedly agreed with me in my views. Where a clerk has, through influence or otherwise, got above his grade in salary, I insist that I have the right to reduce that man and promote, as to salary, a more efficient man in his place. I do not understand, really, that the civil service object—in fact, in talking with the members they approve of it; but nevertheless the persons so reduced complain to the Civil Service Commission and the Civil Service Commission will want explanations, etc., as to why I do it. I have felt that the head of a bureau or Department who is competent for the place ought, if he attends to his business, to get the most efficient clerks, and they should be regulated up and down as to their efficiency, as to the best service. I will say to you that I am ready to reorganize my Bureau to do more work. The records will show that I have adjudicated 30 per cent more claims than has been done for the past three years, and as we get further away from the war the harder the claims are to adjudicate. More work must be put on them. I endeavored to reorganize my Bureau with a view of doing better work, conservative work, more of it, and I believe the result of my efforts proves that they have been along the right line.

Senator LODGE. It has been stated lately, as of course you are aware, that in a great many of the Departments here in Washington there is a considerable number of clerks who are practically useless, who are superannuated, or from some cause or other have become inefficient, but who remain in the offices, drawing the same rate of pay and really doing no work; that if the places were abolished it would be done without any view of filling them, and that there could be a very large saving made.

Commissioner EVANS. Mr. Senator, in my Bureau the Appropriations Committee came to me along that line. I submitted my proposition conditioned that they would allow me, or rather the Commissioner (it does not make any difference who is the man) to reduce the force; that he could drop out, say, a hundred if he could do it untrammeled, uninfluenced.

Senator LODGE. Uninfluenced by whom?

Commissioner EVANS. Well, by various persons all the way down the line; Senators we will say, Members of the House of Representatives, the Civil Service Commission, and so on.

Senator LODGE. Now, I want to ask you about the Civil Service Commission. If you submit to them that a clerk is inefficient and is dropped on that account, is it possible for them to make any objection?

Commissioner EVANS. They never have interfered.

Senator LODGE. Then these inefficient clerks, as I understand——

Commissioner EVANS. I say they have never interfered. They never have interfered with that. Senators or Members will complain, probably, to the Civil Service Commission that some man has been reduced or has been dropped, and it ought not to have been done. Then the Civil Service Commission write letters to know the reason why. I am absolutely opposed to preferring charges against a man that will hurt him in the future. If he is in my Bureau and is of no account to the Bureau, I want to drop him out with the statement, "Services no longer required;" for if I drop him for inefficiency, he will claim that he is one of the best clerks in the Bureau, and will generally bring Senators and Members to prove it, and they get me tangled up then with the Civil Service Commission.

Senater LODGE. I do not see exactly how the Civil Service Commission can interfere.

Commissioner EVANS. Oh, he complains to the Civil Service Commission that he has been removed unjustly, and they want us to explain.

Senator LODGE. Suppose you were let alone—that is, suppose Senators and Representatives did not interfere at all or use any influence—could you not reduce that force and yet retain the same efficiency?

Commissioner EVANS. I have agreed to reduce it, and I have submitted an estimate to reduce it 95.

Senator LODGE. Do the inefficient clerks have much influence?

Commissioner EVANS. Inefficient clerks have the most influence. They are engaged in getting influence.

Senator LODGE. Precisely.

Commissioner EVANS. I am already getting letters anticipatory of the reduction June 30, next.

Senator LODGE. Therefore the influence of Senators and Representatives (I belong to that class myself, so I can speak of them) is used to endeavor to retain those clerks? The clerks appeal to them for retention?

Commissioner EVANS. Yes, sir; and it is very natural——

Senator LODGE. Perfectly so.

Commissioner EVANS. It is very natural for a Department officer or a Bureau officer to respect, as far as practicable, the wishes of the Senators and Representatives.

Senator LODGE. Certainly. I am now speaking of the great mass of clerical positions, not the medical boards. Suppose all your great force of clerks were appointed on the recommendation of Senators and Representatives?

Commissioner EVANS. Well, that would disturb the service very

much. If you want a suggestion from me, I believe you ought to have a tenure of office, and there ought to be about 10 per cent of new blood introduced each year. That would do away very largely with the suggestion made a few minutes ago about men staying in so long. Senator, they stay in so long that they get into ruts. They do not do themselves justice, and they do not do the Bureau justice; they do not do the Department justice. They get into ruts. New blood, with new ideas coming in contact with the experience and the workings of the Department to rub up against, always helps.

Senator LODGE. In this connection I will state that I had a suggestion made to me the other day by an officer of one of the Departments who has had a good deal of experience in the civil service. He said he thought that there ought to be some arrangement such as the old retiring board in the Navy, which was established at the beginning of the war. At that time they could not have inefficient persons, and they went through the list and made a report of inefficiency and had a compulsory retirement all along the line; they took out all the dead wood. The suggestion was that there should be a retiring board in every Department, and that a certain percentage of the inefficient list on the report of that board should go out every year—5 per cent, or a small per cent, whatever it was—and that the places made vacant should be filled from the eligible list in the same way. That seems to be somewhat the idea you suggest.

Commissioner EVANS. You have got to do something, or you are going to have a very large civil list of pensioners.

Senator LODGE. All are indirectly pensioned who are kept in clerkships when they have ceased to do work?

Commissioner EVANS. Yes, sir. If the man knew he had a tenure of office, instead of living as a Cabinet officer or a Senator, he would possibly save some of his earnings.

Senator LODGE. And it would make him work better while he was in the office?

Commissioner EVANS. It would make him work better while he was in the office.

Senator LODGE. He would work hard, so that he would not get into the inefficient list?

Commissioner EVANS. Yes, sir.

Senator LODGE. I was told something the other day, but of course one hears a great many stories. I should like to ask if such a thing is possible. I was told that there is a clerk in the Pension Office who is so broken physically and mentally that he can not find his way to the Department; that he has to be brought there, and that when he is there he can not do any work.

Commissioner EVANS. There is one in about that condition.

Senator LODGE. I did not know whether such a thing would be possible.

Commissioner EVANS. Yes.

Senator LODGE. In cases like that, of course, no Civil Service Commission could possibly interfere for the retention?

Commissioner EVANS. No; they could not interfere with those cases.

Senator LODGE. Those are kept there by the influence of——

Commissioner EVANS. By sympathetic friends.

Senator LODGE. By sympathetic friends. Now, there is one other point I want to understand. For filling vacancies and for appointments is it not better to have an eligible list to draw from rather than to have the places filled by outside influence?

Commissioner EVANS. There are some grades that can be filled in that way. It can be done so far as copyists and those who perform the ordinary work are concerned; but I would just as soon try to make a fortune through the Louisiana lottery as to secure all the efficiency through the civil service. I like to look a man in the face when I employ him to do work, as you do when you employ a man about your private office. A person may pass a splendid civil-service examination, away up, and when you put him down to a desk he may be impracticable, inefficient; and the impracticable and inefficient are the fellows, many of them, who pass the very highest examinations.

Senator LODGE. Is there anything to prevent you from removing such men when they prove to be inefficient and impracticable?

Commissioner EVANS. Well, if you prefer charges against them.

Senator LODGE. But do they not come in first on a period of probation?

Commissioner EVANS. So to speak; yes.

Senator LODGE. During that period of probation there is absolutely nothing to prevent you from removing them without charges?

Commissioner EVANS. Well.

Senator LODGE. I mean, there is nothing to compel you to give a permanent appointment if they prove inefficient in practice?

Commissioner EVANS. I have not had a ruling on that particular point.

Senator LODGE. I will ask Mr. Procter how that is.

Mr. PROCTER. There is nothing whatever to prevent a removal. The rules require that the appointing officer shall certify that the men have been found efficient before they receive a regular appointment.

Senator LODGE. During the period of probation?

Mr. PROCTER. During the period of probation. He can not give an absolute appointment until he can make that certification.

Commissioner EVANS. I have not had many of those cases. I think I have drawn but two men from the civil service since I have been there, and for this reason——

The CHAIRMAN. I should like to ask why the period of six months is allowed as a test of fitness?

Commissioner EVANS. It is intended as a trial.

Mr. PROCTER. That is the practical part of the examination.

Senator LODGE. It is to give the head of a Department scope to get rid of a man if he doesn't prove good on trial.

The CHAIRMAN. So it does not follow that he is sure to be retained in the service if he has successfully passed the civil-service examination?

Commissioner EVANS. No, sir; not absolutely.

The CHAIRMAN. Would not much money be saved to the Government by having that matter left entirely to you and letting you apply the test of six months' probation?

Commissioner EVANS. That is the experience. If a man is appointed in any branch—for instance, in the Railway Mail Service—he is appointed for six months.

Senator LODGE. The Civil Service Commission have absolutely nothing to say about the period of probation.

The CHAIRMAN. What I mean is that those people shall be permitted to undergo six months' probation without the necessity of having them examined by the civil-service board in the beginning.

Commissioner EVANS. I do not know that there is any necessity for it. As I said, the best men I have are men who have no backing—who came in on their merits.

The CHAIRMAN. So you are required by the six months' probationary period to test their qualification?

Commissioner EVANS. Yes, sir; that is the intention.

The CHAIRMAN. Before they are entitled to regular appointment?

Commissioner EVANS. Yes, sir; I know it is the intention to try their efficiency in the six months. I have had but two cases. I have been reinstating. In my Bureau there was a very large number of ex-Union soldiers dropped out in the past four years, and I have reinstated many of them. There are either 105 or 107 that I have reinstated in my work. I have endeavored to pick out those who are most competent, whose records were good, and who were sober, industrious men.

Senator LODGE. If all the places were open to appointment without being taken from the eligible list—that is, open under the old system—would there not be the same pressure that there is to retain inefficient clerks?

Commissioner EVANS. I suppose there would be.

Senator LODGE. There would then be the same pressure to put in inefficient men that there is now a pressure to retain inefficient men?

Commissioner EVANS. I do not see how it could be greater.

Senator LODGE. There is a pressure now to retain inefficient men?

Commissioner EVANS. Yes; and not only that, but to promote inefficient men. All persons seem to think, at least they have convinced themselves, that they are the best clerks in the Bureau, and they want promotion. They naturally look to their friends, if they have a Senator, or Member, or half a dozen of them. If not, they have various methods of getting influence to prevail upon the Bureau for promotion. I do not know how there could be much more pressure than there is.

Senator LODGE. You said that the most inefficient clerks have the greatest influence?

Commissioner EVANS. That is my experience.

Senator LODGE. That I concede to be strictly true.

Commissioner EVANS. They need it.

Senator LODGE. Exactly. That is applied to those already there for promotion or retention?

Commissioner EVANS. Oh, yes.

Senator LODGE. If you took all on the recommendation of outsiders why would not that same pressure, more or less, be brought to bear upon every appointment to be made?

Commissioner EVANS. I presume it would be. There is a very large element, and always has been, that are not disturbed. They were not disturbed during the so-called spoils system. There is a large element there who are not disturbed. They are men who hold their positions just like they hold a position in business—because they are useful and they make themselves useful. That is not only the case, I think, in my Bureau, but when I was in the Post-Office Department it was the same way there. Nobody tries to disturb them.

Senator LODGE. The clerks who can no longer perform their duties are mostly old men who have been there a good while?

Commissioner EVANS. Mostly, yes; old men and ladies who have been there a good while. Some of them have not been there so long. There are some who have been there only a few years, and if I could have gotten rid of them it would have improved the efficiency of the service. There are many ways, Mr. Senator, by which a clerk who may be competent is an absolute nuisance among other people. They are quarrelsome—stirring up strife and trouble. You do not like to charge incompatibility of temper against a woman or a man. That is done under certain circumstances, but it does not seem that that charge

ought to be made in the Bureau. However, such is the fact. They could do better if they would try, but they are everlastingly stirring up mischief among their neighbors.

Senator LODGE. I suppose there is very little pressure to take people from the eligible list because nobody knows, as a matter of fact, who is going to be certified to a particular Department?

Commissioner EVANS. Nobody knows; but the fact is that the impression prevails generally that if they can pass an examination they are going to get an appointment.

Senator LODGE. Oh, yes; I am aware of that.

Commissioner EVANS. That impression prevails, and they will come, and their friends will come, to the Department and insist that they are upon the eligible list and that they shall be given a place. There is a great deal of that done. They do not seem to understand just the method of getting in. They think if they are on the eligible list their influence can secure them a place.

Senator LODGE. It seems to me from what you have said—I do not want to draw a wrong conclusion—that the great difficulty in making the civil service as efficient as possible and getting rid of inefficient clerks arises from the fact that the head of a Department is trammeled in making removals.

Commissioner EVANS. There is a good deal in that. If I serve a notice on a man to show cause why he should not be removed he begins to get Senators and Members and lawyers and everybody to prove that I am absolutely mistaken, and that he is efficient. This is the case if it is for neglect of duty, absence, or inattention. Some clerks, as I said, can do work, but they do so little of it. They prefer to read newspapers. I can not prefer charges against that kind. If I do they will put me in a lawsuit, because they will prove that they passed a high examination. Some that I dropped last June 30 were special examiners who can prove that they passed a high examination.

The CHAIRMAN. Are special examiners classified?

Commissioner EVANS. Yes, sir.

The CHAIRMAN. Should they be classified, in your judgment?

Commissioner EVANS. I think not. That has been my impression.

The CHAIRMAN. What are your reasons for thinking that they should not be classified?

Commissioner EVANS. They should be men adapted to the peculiar service. You can not tell by an examination what a man is adapted to. We try to pick out efficient men for that place, and we have been mostly promoting men to it. Here is the point: Sometimes you do not want it known that they are special examiners. They have a class of criminal work to perform. I have been doing a good deal of it. In New York recently I have had to hunt up some cases.

The CHAIRMAN. Where these men act as detectives?

Commissioner EVANS. Yes. We pick out our best special examiners in those cases. There is one man who is a clerk, but he seems to be naturally adapted to that work. He will put in twenty-four hours a day on a case, if necessary. He is one of those fellows who is just up to that kind of business. We had, for instance, what was known as the "pistol case" soon after I came in. I think we caught him up in Massachusetts, and he is serving in the penitentiary there now. That fellow would know the examiners in a place and he would dodge around. We would hear of him down at Charleston, S. C., or at Atlanta. He played this kind of a game just about the time the Administration came in: He would go and say, "They want a number of examiners,

and I am out for the purpose of selecting men," and he would probably get half a dozen willing victims in a town to deposit $10 with him to get a pistol and belt. He would write the letter and fold it up and inclose the $10 in it, right in their presence, and then slip another in the place of it and ask them to put on a stamp and mail it. Then he was gone. You can not catch such a man with the ordinary special examiner, and he knows it. He learns who they are and he will dodge about from one city to another. So we have what we call a few criminal examiners; and we caught him, I think, up in your State, Senator Lodge.

Senator LODGE. The special examiners are drawn from the whole body of the service?

Commissioner EVANS. I have a number of men who are detailed from the clerical list. Notwithstanding the men who are in that service draw per diem for their subsistence, I have some very good men in the field at $900. The regular pay of a special examiner is $1,300. He is appointed each year. His commission expires each year. That is the requirement of the law.

The CHAIRMAN. I wish to ask you in regard to the boards of medical examiners. Do you think they should be excluded from the classified service?

Commissioner EVANS. I do, most certainly.

The CHAIRMAN. You think that would be the better remedy for the existing evil?

Commissioner EVANS. Yes, sir; I can find a man then. A man may be efficient; he may be a splendid man, but he may make himself obnoxious to ex-soldiers. He calls them "damned frauds," and so on. That they do not like. He may be efficient; he may be accurate in his reports and all that; but you want to appoint a man who is kind, and treats the old fellows kindly. They are getting along to that age where they are entitled to be treated as subordinates of the Government, and kindly. In such a case the medical examiner can be removed without charges and you can put a good man in his place. Would you think of calling upon the civil service for a doctor? Would your family physician go before a board and be examined as to his skill and efficiency in order to become a medical examiner?

Senator LODGE. I do not suppose that any doctor of mature age and large experience and large practice would think of going before the board.

Commissioner EVANS. No; and that is the trouble.

Senator LODGE. The men who take the examination, I take it, are young men?

Commissioner EVANS. I have requested in each case where I could that a soldier surgeon should be placed on the board if possible. Then the ex-soldiers are satisfied that they have a friend at court with whom they can consult. Then I try to get the best practitioner in the town. Then if I can get a young man of five years' practice he makes the best secretary. He records the proceedings accurately. He records a good diagnosis of the case. In that way I get the most satisfactory board. Take a man who is too aged, and he does not like to do much clerical work and he makes the diagnosis fully short. I have endeavored to carry out that kind of practice in establishing the boards that are not under the classified service.

The CHAIRMAN. How should the chiefs of division be treated? Should they be classified or not?

Commissioner EVANS. I think not.

The CHAIRMAN. Why do you think so?

Commissioner EVANS. A man occupying a responsible position likes to call about him men in whom he has personal confidence. You never knew General Grant in battle to select his chief of staff from the enemy. In long service so far as politics is concerned here in these bureaus there is nothing in it. The employees can change quicker than the Administration can change, and you do not know who belongs to one party and who belongs to the other. A man likes to have men about him in whom he has a little personal confidence. A man who is disbursing several millions annually (and it happened that all his office was changed four years ago, before the civil service was spread of it) wrote to me the other day. He says he feels out of touch; that there is not a man in all his Department who is his personal friend, on whom he feels that he can rely; that he feels they may neglect his interests; that there is not one who has any personal interest in the success of his administration. So I believe that the chief of a division ought not to be in the classified service. I would go to the other end and begin. To state my idea about it plainly, if I wanted to establish a civil service I would protect the charwoman and I would protect the laborer. I would protect the employee up to $1,400, and when they get above that I would let them take their chances.

The CHAIRMAN. Are the clerks employed in the different pension agencies under the classified service?

Commissioner EVANS. Yes, sir. They were put under the civil service by that sweeping order last year.

The CHAIRMAN. What is the nature of their employment? I have heard some discussion about it, and I should like to know.

Commissioner EVANS. At the pension agencies?

The CHAIRMAN. Yes, sir; at Knoxville and other places.

Commissioner EVANS. As you know, they keep records there of all the certificates issued, and they do the paying. They send out vouchers to be executed. They mail vouchers; they write out the checks; they do everything incident to the paying of the pensioner and the keeping of the records after the certificate has been issued, even to the extent of figuring up the exact amount that is due by the certificate on the first payment.

The CHAIRMAN. Do you think they are properly classified?

Commissioner EVANS. I would have limited the classification to bureaus at Washington. If I were disbursing several million annually, I should like to have a few men about me with whom I would feel in personal touch. That would be my idea.

The CHAIRMAN. Is the pension agent held responsible for their conduct and action?

Commissioner EVANS. He is so held under the law. I do not believe any court in the world would hold him responsible. Some of them have been making their clerks bond to them, and other clerks refuse to be bonded.

Senator LODGE. The pension agencies are simply disbursing and accounting offices; that is all?

Commissioner EVANS. They are disbursing and accounting offices. If they make any certificate it is charged against them.

Senator LODGE. The work in the office that those subordinates perform is chiefly clerical, is it not?

Commissioner EVANS. It is mostly clerical. They must have three good clerks at an agency. Then the balance of the work is, for instance, writing vouchers and writing checks to correspond with the vouchers,

mailing the vouchers, and examining them when they come back. The vouchers have to be properly executed and witnessed.

Senator LODGE. I understand, then, that you would not abolish the civil-service system, but you think it should be modified and limited in certain directions?

Commissioner EVANS. No; I would not abolish the civil service, but I would limit it; I would reorganize it. That is just my suggestion. Every official, of course, has his own ideas about it. I would protect the poor charwoman, if there is any protection in the civil service; I would protect the laborer, if there is any protection in it; but I would not examine him in astronomy, or anything of that kind, for the position of laborer.

Senator LODGE. The unskilled laborer is not now under the civil service.

Commissioner EVANS. No; but I say I would protect him.

The CHAIRMAN. The law expressly provides that it shall not apply to laborers.

Commissioner EVANS. I know it does.

Mr. PROCTER. It does not provide that it shall not apply, but that it shall not be required to be applied to them.

The CHAIRMAN. It is prescribed that they shall not be included in the classified service.

Commissioner EVANS. Substantially. The man who gets above $1,400, in my opinion, is competent to take his chances in the world; he does not need any protection. In that way you would have a better service. In the long years you have been here you know that men have been in Departments here and they are never disturbed. They were not disturbed under the so-called spoils system.

Senator LODGE. A good many were thrown out during the last four years.

Commissioner EVANS. There is no doubt about that; but they were thrown out before the offices were classified and to get others in. In my own town the Civil Service Commission just issued an order and jerked five places right out which were held by Republicans in the post-office. They were as clean and good young men as ever were, and even the postmaster took occasion to give a recommendation to those men. He said that there was nothing in the world that he could say for them but he would gladly say, and that he only parted with them because of the difference in politics. I have those letters.

The CHAIRMAN. You say they took four of them out at once?

Commissioner EVANS. There were five places withdrawn from the classified service on the request of the First Assistant Postmaster-General.

The CHAIRMAN. Are the men who succeeded them now classified?

Commissioner EVANS. Yes; the places were put under the civil service as soon as the change was made.

The CHAIRMAN. As soon as they got Democrats in they turned the key on them.

Commissioner EVANS. Certainly. I have the original letters from the Civil Service Commission, and also from the clerks, with the recommendation that the postmaster gave the clerks. He said, "There is nothing against them except party differences."

The CHAIRMAN. Mr. Procter, do you desire to ask the Commissioner any questions?

Mr. PROCTER. Yes, sir. Mr. Commissioner, in regard to the Chattanooga post-office, are you aware that under the old rules it was in the

power of the Post-Office Department under all Administrations to except places, and that the Commission continually protested against it, and drew the attention of the President to it, and that President Cleveland removed those from the excepted places just because of abuses like the one you have mentioned, and that they were removed prior to his order of May 6?

Commissioner EVANS. I am aware that in this particular case First Assistant Clark made a request of the Civil Service Commission and they withdrew them.

Mr. PROCTER. The Commission have no power to withdraw anything.

Commissioner EVANS. Well, it seems the postmaster obeyed the letter of the Commission.

Mr. PROCTER. No: the Postmaster-General, by designating certain places, could except them under the old rules which had been in force through the various Administrations up to 1895, when that rule was changed to correct the abuses you have just complained of.

Commissioner EVANS. I hear of so many of that kind. It was on the request of the First Assistant Postmaster-General (so the president of the Civil Service Commission says) that those five places were withdrawn from the classified service, and the postmaster was notified, and I have those letters.

Mr. PROCTER. There is nothing in the rule which gives the Commission any power to withdraw or add anything.

Commissioner EVANS. I do not know what the rule is. I am simply talking about the practical part of it.

Mr. PROCTER. You say you think chiefs of divisions ought to be excluded from the civil service. You have changed quite a number of chiefs, have you not, in your force?

Commissioner EVANS. I have changed them all but one.

Mr. PROCTER. How do you fill those places?

Commissioner EVANS. I fill them from the men within the Bureau.

Mr. PROCTER. If those places had been excepted from examination is it not true that you would have had the same pressure—outside political pressure—which you complain of in regard to the Chattanooga postoffice, to have those places filled without promoting men in the office?

Commissioner EVANS. I have no doubt but that I would have had pressure to appoint new men. I do not think I would have had any more pressure to appoint outside men than I have had to select different men within the classified service.

Mr. PROCTER. But you think in promoting to these positions you have selected men in the service who have demonstrated by their experience that they are competent to fill the place?

Commissioner EVANS. Yes, sir; I endeavored to select the very bes men there were in the Bureau. In the first place, I put them on trial.

Mr. PROCTER. And in that way you were untrammeled by outside influence to a certain extent?

Commissioner EVANS. To a very considerable extent I was more so than any other bureau officer, probably. In the other way he would have a number to select from, and the pressure of course would be for Jones and Smith and Williams, and the head of the bureau would endeavor to take the one he thought was going to do him the best service. I had lots of that pressure from all sources for different men within the bureau to promote them. I promoted men who absolutely, several of them, never had a man speak to me about them.

Mr. PROCTER. How many clerks have you in the Pension Office?

Commissioner EVANS. The appropriation act allows 1,835. They are not all clerks, but it embraces all classes of employees, as you know.

Mr. PROCTER. You have 1,835 people from whom to choose a few chiefs of divisions. Then you have the entire classified service of the United States to choose from?

Commissioner EVANS. Or to draw from other Bureaus, and so on.

Mr. PROCTER. Yes; by transfer. Do you not believe that under that system you have a larger latitude of choice than if these places were excepted and advertised as such so that Congressmen and Senators would bring pressure on you to fill them from outside the service?

Commissioner EVANS. No; I would have all I have now and I would have all the balance of the world to select from.

Mr. PROCTER. But you would not have the latitude of choice free from pressure that you have now?

Commissioner EVANS. I never have experienced that freedom from pressure yet.

Mr. PROCTER. I understood you to say that persons who come in through examination have more pressure behind them than persons who came in through what you termed the spoils system?

Commissioner EVANS. As I said, the best men I have in my employ are men who came in through the so-called spoils system.

Senator LODGE. Prior to 1883?

Commissioner EVANS. Yes; and they have come in in various ways since, before the whole thing was locked and the key thrown away, as you know. There were various ways by which they were put in.

Mr. PROCTER. You are aware that when a person takes the examination it is prohibited that any political influence or any letters stating the politics of the man shall be placed with the papers or put on file, and that the appointing officer is even prohibited from considering political papers?

Comissioner EVANS. Even from reading them?

Mr. PROCTER. Even from considering them.

Commissioner EVANS. Oh, no; they do not come in and talk about Republicanism or Democracy, and so on. This is not limited to Senators and Members; other people have influence in this Government. But now you are going away back to 1883. This thing was never closed until last year. During the last Administration all those chiefs were appointed practically from outside of the civil service.

The CHAIRMAN. What was the political complexion of the Bureau when the chiefs came into the classified service?

Commissioner EVANS. Oh, the chiefs were Democratic.

The CHAIRMAN. Entirely so?

Commissioner EVANS. I think without exception.

The CHAIRMAN. When you went into office did you find any book or memorandum there that disclosed the politics of the different individuals employed in the office?

Commissioner EVANS. Yes; I did. I had a complaint from the Civil Service Reform League to the effect that I had prepared it, but I denied that. I found it there; I inherited it, really.

The CHAIRMAN. Your predecessor had left it? He had accommodated you in that respect?

Commissioner EVANS. Yes.

Mr. PROCTER. Do you not think it is a bad system that would place all the chiefs of division in a large bureau like that in one political party?

Commissioner EVANS. No, sir; I do not. On the contrary, I think

it is just what ought to be done. I believe if the people have elected the Democratic party to power they expect them to carry out their policies. The last Administration, no doubt, had a policy with reference to pensions, and the Administration selected the men and put them in power to carry out that policy. They were no doubt friends of the Administration, and they were selected no doubt with that purpose.

Mr. PROCTER. Do you not believe that it is the business of every man in a department to carry out loyally the policy of an Administration, no matter what may be his politics?

Commissioner EVANS. There is no doubt that it is his duty, but men are human—most of them—whether they be Democrats or Republicans.

Mr. PROCTER. I understood you to say that as a general thing you believe that people ought to go out of the service at a certain age?

Commissioner EVANS. I did not fix any age limit.

The CHAIRMAN. I wish you would give us your idea as to the number of years they should be permitted to serve, because that is a practical question connected with this investigation.

Commissioner EVANS. I should say eight years, and not to exceed ten. I look on this thing as divorcing the Government from the people. The rising generation feel that they have no interest in this Government. When a man comes here as an employee of the Government it is harder to get him out of the service really than out of the Army. It is only the officers of the Army who are in for life, but in this case it is the privates who are in for life, and they feel it; and some of them almost defy the authority above them.

Senator LODGE. That touches again the power of removal.

Commissioner EVANS. Yes; it comes right back to that. As I said, I never want to damage a man's character by preferring charges against him.

Mr. PROCTER. As a general thing young men are better clerks than old men, are they not?

Commissioner EVANS. Yes, sir.

Mr. PROCTER. We find that the average age of the persons who pass the civil-service examination for clerical positions in the Departments is 27 years. The law has been in force for fourteen years; so that the oldest of the people appointed through the certification of the civil service in any of the Departments ought not to be over 41 years, and from that down.

Commissioner EVANS. But do you not limit them as to age in their application?

Mr. PROCTER. No; not for departmental service; only for the Railway Mail Service.

Commissioner EVANS. I thought you did not accept any over 45.

Mr. PROCTER. No; there is no limit as to age, but the people who pass the examination average 27 years; so that the majority of the people who have come into the Departments through examination must necessarily be young.

Commissioner EVANS. Necessarily. I was told by a post-office official here the other day that in the city force in the post-office they get the most colored; that they have a school from which they graduate.

Mr. PROCTER. In what post-office?

Commissioner EVANS. In the Washington post-office. They have a school here, and persons are prepared for that service.

Mr. PROCTER. Yes; that is probably true.

Commissioner EVANS. When a man reaches the age of 30 or 35, he has forgotten some of the little technicalities that you put on him in

the way of an examination. I know that I could not pass a civil-service examination.

Mr. PROCTER. Mr. Commissioner, you spoke about the pressure behind these people. If I remember aright, when we discussed the removal of the special pension examiners you informed me that there was a tremendous pressure for the reinstatement of persons.

Commissioner EVANS. For the reinstatement of persons who had been put out in the last Administration.

Mr. PROCTER. There was a tremendous pressure behind them for reinstatement?

Commissioner EVANS. Yes.

Mr. PROCTER. In the communications which you have had from the Civil Service Commission about the special examiners who were removed was not all the attention drawn to the fact that those men came in through the examination, and that they were young men and had an efficient record in the office?

Commissioner EVANS. There is no doubt but that you did direct it in that way. You wrote to the Secretary of the Interior for information as to what the charges were.

Mr. PROCTER. We simply referred the papers for information and request.

Commissioner EVANS. There has been a good deal of that. Medical examiners complain and say they are not in the classified service and had no idea of ever being in.

Mr. PROCTER. Of course you are aware that the Civil Service Commission have no power and no authority except to report the facts?

Commissioner EVANS. Oh, yes.

Mr. PROCTER. You are aware that the Civil Service Commission could not bring any pressure to bear?

Commissioner EVANS. I understand that, though they keep me pretty busy answering communications.

Mr. PROCTER. Do you not also understand, Mr. Commissioner, that the President's order of July 27 requires that charges shall be filed and a hearing given, and that when you give that hearing your decision or the decision of the Secretary of the Interior is final and from it there is no appeal?

Commissioner EVANS. Yes, sir; the decision of the Secretary of the Interior. My decision is not final.

Mr. PROCTER. From the decision of the Secretary of the Interior there is no appeal?

Commissioner EVANS. There is none.

Mr. PROCTER. And his judgment, whether it be right or wrong, is final?

Commissioner EVANS. Yes, sir; that is right.

Mr. PROCTER. When you were speaking of the chiefs of divisions you referred to the fact that General Grant could take anybody he pleased and put him in a responsible position. Was not General Grant compelled to take officers of the Army, most of whom had come into the Army through an examination, to do just what you are now doing in promoting people in your own service to responsible positions?

Commissioner EVANS. You are putting a hypothetical question that I did not get at. I said General Grant would not draw from the enemy for his staff officers.

Mr. PROCTER. But are citizens of the United States who compete with each other for Government service to be accounted enemies because they happen to think differently on political subjects?

Commissioner EVANS. Not necessarily, but——

Mr. PROCTER. Was not the law of 1883 enacted for the very purpose that all citizens should compete for public service regardless of their political belief?

Commissioner EVANS. That is all true; but you may take two churches, and, while they both claim to be Christian, they may differ as to the particular road by which to get to heaven. The political parties differ on political lines and they differ on policies. So I say I believe in having those about me upon whom I may depend to carry out my will and wishes. I believe in having friends about me, and I believe the other party should have the same. I believe the Constitution of the United States was framed on those lines.

Mr. PROCTER. Are you not aware of the fact that even in your own Bureau, during the last Administration, many men who were put into prominent positions because of their politics did not agree with the Administration in some of the most important policies; that there were quite a number of free-silver men who held prominent positions, while the Administration did not believe in free silver?

Commissioner EVANS. I think there were some who developed in that belief. Evidently those Democrats were not appointed to the positions because they were free-silver men.

Mr. PROCTER. Now, one question about examining surgeons. You are aware of the fact that the surgeons of the Marine-Hospital Service, which is an admirable service, come into the service through examinations?

Commissioner EVANS. I did not know it.

Senator LODGE. I understand that all surgeons in the Navy and all surgeons in the Army and all surgeons in the Marine-Hospital Service come in through an examination. They come into the service in that way and they take a permanent office.

Mr. PROCTER. Is not Dr. Woodman, of the Pension Office, a skilled surgeon? He is the man who is detailed to aid the Commission in getting up such a medical examination as your Bureau shall require.

Commissioner EVANS. He is recognized in our Bureau as a good doctor.

Mr. PROCTER. I see that in the discussion of the pension appropriation bill Congressman Brown speaks of the authority to appoint an extra board in one county and the lack of authority to appoint it in another.

Commissioner EVANS. Yes; at Xenia. He speaks of the authority to appoint a board in Warren County. Warren County is not in the classified service. Franklin, in Warren County, is not in the classified service. The adjoining county, Greene, is in the classified service. I happened to be out there doing a little missionary work recently, and was at Xenia, and there was great complaint against the board at Xenia, and I may take occasion to create a board at Jamestown just to avoid that trouble.

Mr. PROCTER. One more question, and then I am done: Do you not believe that it would be better if we could have nonpartisan pension-examining boards appointed by an examination, who would feel that it would be their duty to look after the interests of the Government first—that they are the representatives of the Government and should guard the interests of the Government, and that that should be the first consideration?

Commissioner EVANS. As to nonpartisan business, I do not expect that we will really ever get down to perfection in this world. I was out last night and heard Dr. Stafford lecture on Christianity, and he

spoke about nonsectarianism in general. So it is in the human family. I believe that a man who is any man at all is going to be either a Democrat or a Republican, and he is going to lean to his party a little.

The CHAIRMAN. Mr. Baker is present, representing the Anti Civil-Service League. His request that he may have the privilege of cross-examining witnesses will be considered by the full committee, but he can ask the Commissioner any question he desires.

Senator LODGE. Certainly.

Mr. BAKER. Can you remove a clerk or other employee under the existing civil-service rules without charges being filed against him?

Commissioner EVANS. We have to state the cause of removal and give him notice.

Mr. BAKER. Three days' notice is required?

Commissioner EVANS. Three days' notice is required, and he files his answer. That is the rule now.

Mr. BAKER. Then, the employee in your office to whom Senator Lodge referred could be removed by you only by preferring charges concerning his condition, etc.?

Commissioner EVANS. He could not be removed by me at all. The only removals come from the Secretary of the Interior. I could make a recommendation to the Secretary of the Interior, and he could approve it or disapprove it, as he might see fit.

Mr. BAKER. Is the pressure you speak of from Senators and Representatives confined solely to the behalf of inefficient clerks?

Commissioner EVANS. Oh, no; they recommend good people; but inefficient ones are going to get influence. They always manage to get it. However, Senators and Members recommend good men for promotion. As you know, during the last Administration there were a great number of changes made, and those who were removed have been clamoring to be restored. So their Members and Senators come to get the restoration of good people; and when it comes to an inefficient clerk, he works up his influence.

Mr. BAKER. You spoke of agency clerks a little while ago and stated that they are under the civil-service rules. Is not the pension agent responsible for all the errors committed in his office by those clerks?

Commissioner EVANS. The law so holds him responsible for all errors.

Mr. BAKER. Under his official bond?

Commissioner EVANS. Yes, sir.

Mr. BAKER. Do you have any more pressure to retain in office those appointed prior to the civil service law than those appointed since?

Commissioner EVANS. I do not think I have any pressure, hardly, for those who have been in for that length of time are clerks who have held their positions for their merit. As I said, there are a class of clerks who do not depend on anybody. There is a very large class of people in my Bureau composed of men who would not whine if they were turned out. They have ability; they have the disposition to do work, and to do an amount of it, and do it well.

Senator LODGE. Those are your most efficient clerks?

Commissioner EVANS. Yes.

Senator LODGE. And they are the men without pressure, as I understand it?

Commissioner EVANS. Yes; they are the men without pressure. It is called a spoils system, and yet those men have lived through it. In the last Administration they turned out people in any way; they turned out almost anybody, and they filled their places. I do not know how they got them in.

Mr. BAKER. As a matter of fact, do you not think it would be better

in practice to have the whole eligible list submitted for selection rather than the three who are now sent up?

Commissioner EVANS. Oh, of course the more you have to choose from the better. From what the Civil Service Commissioner said a while ago, he seems to think that the more you have to choose from the better will be the results. I think if we had more than three it would be better.

The CHAIRMAN. You say you do not know how the last Administration got those men in. I ask you if they did not get a great many of them in by what are known as special examinations held by the Civil Service Commission in the city of Washington?

Commissioner EVANS. I have heard so, and I endeavored to ascertain. In talking to the president of the Commission I mentioned one or two cases as tests to know how they all got in. I thought I might have some friends on the eligible list whom I should like to reach. But he could not tell me. However, they got in somehow, and, extraordinarily, with the last Administration. The men about me do not know. But one feature they had—they put them into the pension agencies, I understand, like they did here, and then switched them in the Bureau; and then some of them were switched over to other agencies, and they are in the classified service now.

The CHAIRMAN. I have been informed—I do not know how true it is—that during the last Administration, when the head of a Department would in certain instances want to appoint a particular individual who was not in the classified service or on the eligible list, he would suggest to the Commission that he wanted an additional question or two incorporated in the examination and have a special examination held, and that in that way some of those parties have entered the service. I do not know how true it is.

Mr. PROCTER. May I make a statement there?

The CHAIRMAN. Certainly.

Mr. PROCTER. There was, up to 1894 or 1895, a rule by which persons who had been appointed to an excepted place or a place not classified could come into the service by a noncompetitive examination. That was abolished. That was an abuse to which the Commission called the attention of the Administration time and again.

Mr. WALES. It was abolished in 1894.

Mr. PROCTER. It was abolished in 1894.

The CHAIRMAN. At what time in 1894?

Mr. WALES. In November.

Mr. PROCTER. That rule had obtained through three or four Administrations.

Now I should like to ask the Commissioner another question. Are you not aware that Commissioner Black, in the first Cleveland Administration requested the certification of the entire list for the purpose of apportioning them among the States, and that he afterwards boasted that he succeeded in getting a large percentage of people of his own political faith, and because of that the practice was abolished, and since that time the entire list has not been certified?

Commissioner EVANS. I confess I had not heard of that particular feature. I have heard of so many crooked things in the civil service through two Democratic Administrations that I do not remember them all.

Senator LODGE. Was that change made under President Harrison?

Mr. PROCTER. I think it was changed under the Cleveland Administration. As soon as it was found out that Commissioner Black was

doing this it was changed. He used the argument which Mr. Baker used, that it was a good thing to have the entire list; and the President gave him that power, and it was found to be a bad thing.

Mr. BAKER. A bad thing politically or clerically?

Mr. PROCTER. Both.

Commissioner EVANS. I have often wondered how Georgia got about 106 appointments—I think the partial report in the Department shows 106—and New York about 6 through the merit system.

Mr. PROCTER. They were not appointed to the classified service. They were appointed to positions that were not then classified.

Commissioner EVANS. They all got in somehow.

Mr. PROCTER. Are you aware, Mr. Commissioner, that in the Census Office the force was changed three times during the taking of the census—that is, it amounted to a change of the entire force three times?

Senator LODGE. A complete revolution?

Mr. PROCTER. A complete revolution of the force.

Senator LODGE. In four years?

Commissioner EVANS. Did you get them into the classified service?

Mr. PROCTER. They never were placed in the classified service. The object was to have as many people as possible appointed.

The subcommittee adjourned until Thursday, January 6, 1898, at 10 o'clock a. m.

THURSDAY, *January 6, 1898.*

The subcommittee met at 10 o'clock a. m.

Present: Senators Pritchard (chairman), Lodge, and Chilton; also Hon. John R. Procter and Hon. John B. Harlow, members of the Civil Service Commission; Mr. G. R. Wales, of the Commission; Hon. Henry M. Baker, acting president of the National Anti-Civil Service League, and Mr. Fred Brackett, chief of division of appointments, Treasury Department.

ENGINEERING OPERATIONS UNDER CIVIL-SERVICE RULES.

The CHAIRMAN. First, I will lay before the subcommittee this morning a letter from Senator Frye, inclosing a letter written by Maj. Thomas H. Handbury, Corps of Engineers, in regard to engineering operations under civil-service rules.

The letters are as follows:

UNITED STATES SENATE,
Washington, D. C., December 31, 1897.

DEAR SENATOR: I inclose the communication from Major Handbury for use in your committee; also the bill. Please keep the papers I send you relating to this subject, as I may have occasion to use them.

Truly,

WM. P. FRYE.

Hon. J. C. PRITCHARD.

UNITED STATES ENGINEER OFFICE,
Custom-House, St. Louis, Mo., December 31, 1897.

DEAR SIR: It is evident from the general tenor of the remarks that have been made thus far during this session, in both the Senate and House of Representatives, that the question of civil service and its

application to the various departments of the Government will receive considerable attention before the session is closed, and its present status be materially changed either through legislative or executive action. The well-known interest that you have taken in the application of the rules of the Civil Service Commission to the river and harbor improvements conducted under the direction of the officers of the Corps of Engineers, United States Army, and your courteous consideration of all facts furnished you bearing upon this subject, induces me to submit, in extenuation of the views and facts that I have already brought to your notice, some further results of my experience in attempting to conduct engineering operations under these rules.

Since the dates of the papers published in Senate Document No. 54, part 2, Fifty-fifth Congress, first session, some modifications have been made in the interpretations of civil-service rules as applied to the Engineer Department at large. The cooks are no longer on the classified list. Physical examination is not now an absolute necessity for an applicant for a position in the mechanical trades. A central board in the office of the Chief of Engineers is charged with the duty of preparing eligible lists of persons classified under the heading of "those requiring an educational test;" and under this board there are local boards connected with the several engineer districts, whose duties require them to prepare eligible lists of those who are classified under the heading of "those requiring an educational test." The Civil Service Commission also prepares a list of eligibles for certain positions. These boards are all under the exclusive control of the Civil Service Commission. These modifications have given but little relief. Through these means, cumbersome, unsatisfactory, and expensive, the officer in charge is expected to obtain men for executing the works placed in his charge.

Under existing laws and regulations he may have nothing whatever to say in the selection of a man from the educational list who is to occupy a most important position of responsibility and trust on works for which he himself is to be held responsible, and in the selection of persons for minor positions requiring no educational tests he is even then restricted, hedged about, and hampered by useless forms and requirements in such a way as to impair the efficiency of the service and add materially to the cost of the work to be done.

The work intrusted by Congress and the Secretary of War to the execution of the officers of the Engineer Corps of the Army is of such a character that in all its stages and in all its branches some one must clearly be held responsible for the funds and property pertaining to it, and for its proper execution. Congress may place upon the Secretary of War and the Chief of Engineers the responsibility for the direction and supervision of matters pertaining to this work, but the responsibility of its execution, that the funds are properly and economically disbursed and the approved project is properly carried out, must rest upon the officer in charge. He should therefore be left free to select such employees as are in his judgment best suited to the work to be done, subject only to such general rules and regulations as economy and safety in the disbursement of the funds provided and the general good of the service would seem to require.

The application of the civil-service rules to the affairs of the Engineer Department is very easy in theory and pleasing to contemplate in minutely drawn up papers of instructions, but when put to the crucial test of practice it fails in every essential necessary to an efficient service.

I believe that since the Engineer Department at large was placed under the civil-service rules there has been a greater amount of hired labor on the works in charge of this office than on any other Government works in charge of that department. I am therefore in a position to speak from the standpoint of practical experience upon this point.

On January 1, 1897, there were 25 educated and 106 noneducated classified men, making a total of 131 on the rolls paid by me. January 1, 1898, there were 19 educated and 108 noneducated classified men, making a total of 127 on these rolls. During the year there were placed upon the rolls 3 men of the educated and 216 of the noneducated class, making a total of 219 classified persons. The total number of classified persons upon my rolls during the year was 347. This whole number became classified only because of the fact that each individual had been in Government employ within one year preceding the date when the application of the civil-service rules to the Engineer Department went into effect, September 1, 1896, and not one of them came from eligible lists prepared by civil-service boards. In addition to these, there were 74 men upon the rolls who were working in classified grades but were not themselves classified for the reason that they had not been in Government employ in classified grades within the year specified or did not care to make application for classification. Their terms of service were limited to ninety days.

There were during the year 791 changes in these employees, all of which had to be duly reported to the Chief of Engineers for the information of the Civil Service Commission. I will also mention that there were over 6,300 changes in the unclassified labor during the year.

Fortunately, the number of old employees in the classified grades not employed elsewhere was so great that it was not necessary to employ the new men taken on beyond the period of ninety days. Had it not been for this circumstance, it would have been an utter impossibility to have carried on the work of the season under civil-service rules, as originally promulgated to the Engineer Department, without very great loss of time and waste of money.

Another circumstance which facilitated matters somewhat was a concession on the part of the Civil Service Commission to the effect that "the men whom it is found necessary to employ may be permanently appointed until an examination is held or a system of registration provided; appointments may continue to be made as herotofore."

On the 1st of September, 1897, I was furnished with a list of eligibles for employment in the Engineer Department at large prepared by a board of examiners appointed by the Civil Service Commission. This board consisted of one employee from my office, one from the office of the Mississippi River Commission, and one from the office of the Missouri River Commission, all subordinates of the officers who are responsible for the work to be done by the men examined and graded by them. This list was headed by the following quotations from the rules and regulations of the Civil Service Commission: "When there is a vacancy to be filled the board of examiners certifies to the appointing officer from the proper eligible register the names of three persons graded highest of the trade called for, and from the three a selection must be made. Only three certifications of a name are allowed. Persons honorably discharged from the military or naval service of the United States, by reason of disability resulting from wounds or sickness incurred in the line of duty, are given preference in certification. Those having a military or naval preference are entered at the head of their respective lists, and must be certified before others higher in

grade. Each name remains eligible on the register one year unless the person is sooner appointed."

This list contained the names of 79 individuals classified under 18 occupations that were likely to occur upon the works in my charge. Similar lists made up of the same names, with some additions, have been furnished to me monthly. From men thus classified the employee on the works in charge of my office, also in charge of the offices of the Mississippi and Missouri River commissions in this city, are, according to the theory of the civil-service rules, to be selected.

It soon became evident that this method of procuring men would be entirely inadequate to the necessities of active operations upon any of our large river and harbor works. I had occasion at one time to look to this list for a watchman. There were four names on the list. One individual, who lived in a distant city, was inaccessible; the other three I sent for, in order that I might personally satisfy myself of their qualifications. I found them all without a particle of the experience which the duties of the position required, and totally unfitted to take charge of the public property that was to be committed to their care.

These requirements have recently been so modified as to permit of district engineer officers having local boards of examiners selected from their own employees, but under control of the Civil Service Commission. These following out the forms prescribed, put all men of the noneducational class making applications for positions in the mechanical trades upon their eligible lists. They can not, of course, examine all the men personally, but must take them on their own representation and the credentials that they furnish. Instead of selecting from the three highest as graded by these boards as was originally required, it is now permitted to the officer in charge to select from the list anywhere the man who in his judgment is the most competent to perform the duties of the position for which he is required. If a satisfactory individual can not in this way be found it is permissible to go outside and find him. This man must, however, go through all the forms necessary, and be listed by the local board before he can be employed for a longer period than ninety days.

I recently had occasion to select a man for the position of master of one of the Government steamboats in my charge. Looking over the list of eligibles for this position furnished by the local board, I found nine names from which to make my selection. On canvassing the capabilities of these for the work to be done I could not find one that gave promise of or combined as many of the qualifications for the position as a pilot in my employ. He was promoted to the vacancy and then requested to make application to the local board for a rating as master on the eligible list. This he did, and received a higher average than any other on the list.

We have here the authorized process for obtaining men for what has been called the noneducational employments—a very long, roundabout, useless, and expensive way of arriving at what was accomplished by very simple, satisfactory, and direct methods for many years before the civil-service act came into existence.

In the selection of individuals to fill what has been termed the educational grades, the officer in charge may have absolutely nothing to say. The necessities of his work require the employment of a clerk, an assistant engineer, an inspector, or some other individual who is to be clothed with responsibility and trust. Although there may be dozens available at the point where needed, whose capabilities in every respect are well known, yet, under the rules, the selection must be made

from the eligible list prepared by the central board in Washington, who can have a personal knowledge of but very few upon their list, and these little or no knowledge of the local requirements of the position.

When such a position is to be filled. an application goes from the officer to the Chief of Engineers or chairman of the central board in the Engineer Department. The Secretary of War, who is the nominating officer, selects from the prepared eligible list submitted to him and nominates to the Civil Service Commission, not necessarily the one possessing the highest marks for the grade, but one whom he may declare to be the best qualified for the position. As a result of all this trouble and waste of time, the officer in charge may or may not get a man suited to the position. The chances are nine out of ten he will not. He certainly will not get a more satisfactory or efficient man than he could have selected himself.

The Secretary of War may also select men from the eligible lists prepared by the local boards to fill the lower grades if he chooses to exercise that authority. He may also designate from the lists of the central and local boards, and the lists of employees under civil-service rules, such individuals as he may desire to have employed when work is resumed in any locality throughout the United States. What is there in this situation that will prevent a Secretary of War, if he should desire to do so, from using these works and all the influence which their appropriations would imply for the furtherance of the ends of his political friends and adherents?

It may be confidently stated that the attempt to apply civil-service rules to river and harbor operations has resulted in absolute failure and been productive of no good whatever to that branch of the service.

The central and local boards in no way facilitate the transaction of public business, nor do they enable us to obtain men more promptly of a better grade or more competent to do the work required. In fact, their tendency is in the opposite direction. It is exceedingly difficult to obtain through them men that will give satisfaction to the officer in charge, who is to be responsible for their honesty and the work they are to do. The general practice on the works is for the officer in charge or his assistant to first find the desired man by the old methods, and then request him to make application on the prescribed form to be placed on the eligible list. As a matter of fact, it has been found that good, first-class men, those who are most desirable and sought for elsewhere, have no desire to go before these boards or get upon their lists. When they do it is only because it is understood that in no other way can they get or hold a job in Government employ. Those who voluntarily go before these boards are largely made up from that class of individuals who are most frequently found out of employment. This class have no difficulty whatever in filling all the requisites to a position on the eligible lists prepared by the local boards.

The expense of these boards, and of the additional clerical force that has been found necessary to examine papers and see that the orders and regulations that have been issued respecting the application of civil-service rules to the Engineer Department, which in the aggregate amounts to a considerable sum, must be paid from appropriations made for other purposes, since they are not directly provided for by Congress. Much of the time of many of the officers, their clerks, and assistants that could be more profitably devoted to other branches of their duties is wasted in complying with useless requirements of no benefit whatever to the service.

It can not be shown that anything has been added to the convenience,

economy, or efficiency of the works conducted by the Engineer officers by placing them under civil-service rules. On the contrary, it is apparent that these works can not be conducted at all under these rules as at first promulgated and applied to them, and that under the enforced modifications they are menaced with all the evil influences of the objectionable features of our political system. The operating expenses are increased, and the well-recognized system of responsibility hitherto in vogue has been interfered with to the detriment of the public service.

Under date of October 28, 1897, the Chief of Engineers issued a circular requesting from officers suggestions as to legislation needful in the interest of the public works in their charge. I take the liberty of inclosing a copy of my letter to him in response to this, on the legislation which I deem to be necessary to fix the responsibility for the execution of public works in charge of the officers of the Corps of Engineers, United States Army, and to otherwise benefit that branch of the public service. This, you will observe, is almost precisely what you have already introduced and advocated. I trust that it will still receive your favorable consideration and support.

Very respectfully, your obedient servant,

THO. H. HANDBURY,
Major, Corps of Engineers, U. S. A.

Hon. WM. P. FRYE,
United States Senate, Washington, D. C.

TRANSFERS FROM GOVERNMENT PRINTING OFFICE.

The CHAIRMAN. I have received a letter from a gentleman employed, I think, in the Government Printing Office, in which he says:

"In view of your coming report as to the working of the civil service law in the different Departments, I am requested to call attention to three changes in the Treasury Branch of the Government Printing Office, which it appears to be a violation of the very letter and wording of the law. There were recently three transfers and promotions from said division to the Treasury without the examination of the Civil Service Commission. One to my certain knowledge was not examined, but transferred and promoted purely on the ground of his efficiency and fitness for the work. Should you wish to make inquiry as to them, they are Messrs. Mills, Mars, and Meacham, formerly of the Government Printing Office. Now, the matter is this—if these gentlemen can transfer and be promoted, there are others who want to better their condition. But the main point is, according to the law, these men should have been examined for promotion and transfer."

* * * * * * *

I have a letter in my possession from the Civil Service Commission in which, in answer to an inquiry, they state that persons can not be transferred from the Government Printing Office to any other branch or to the classified service. It might be well to look into that matter inasmuch as it will affect their ruling on the subject. I understand that the Commission have ruled that such transfers can not be made.

Mr. HARLOW. It depends entirely on the character of work the person was transferred to and the character of work he was performing at the time he was transferred.

The CHAIRMAN. Mr. Baker is present as the representative of the Anti Civil Service League. He requests that he may have leave to cross-examine witnesses. I do not feel warranted in granting the privilege to him without first submitting the matter to the full committee.

Senator CHILTON. I suggest that he be allowed to ask any questions he chooses to-day, and then that the matter be left for the full committee to determine. It is rather a dangerous practice to permit outsiders to come in and ask questions.

Mr. BAKER. If I may be allowed to say a word, I will state that my only suggestion was that if the members of the Civil Service Commission are permitted to do so, I can see no objection to the other side having the same privilege.

Senator CHILTON. I think that is true.

Mr. BAKER. That is all I propose.

TREASURY DEPARTMENT.

TESTIMONY OF MR. FRED BRACKETT, CHIEF OF DIVISION OF APPOINTMENTS.

The CHAIRMAN. We have with us this morning Major Brackett, who desires to make a statement. Major, we shall be glad to hear any statement you may have to make to the committee.

Mr. BRACKETT. Mr. Chairman, I do not come here, exactly, in the guise of a volunteer.

The CHAIRMAN. No, sir. I requested the Major to appear before the committee.

Mr. BRACKETT. I understood from what you said that it is the desire that I should make a statement.

The CHAIRMAN. It is on my request that Major Brackett comes before the committee.

Mr. BRACKETT. I am glad to state anything I can that may be of service to the committee.

The CHAIRMAN. What is your present occupation?

Mr. BRACKETT. I am chief of the division of appointments in the United States Treasury Department.

The CHAIRMAN. Did you ever occupy that position before the present Administration?

Mr. BRACKETT. No, sir.

The CHAIRMAN. Have you ever had any experience heretofore in the Government service?

Mr. BRACKETT. Yes, sir; I was chief clerk of that Department under the so-called Harrison Administration, and I have also been a clerk in the Interior Department.

The CHAIRMAN. You can proceed with your statement.

Mr. BRACKETT. If agreeable to the committee, I will read a statement which I have prepared, because, I think, perhaps in that way I shall be able to cover the ground more fully, and it will take less time.

The CHAIRMAN. Very well; proceed.

Mr. BRACKETT. I am in favor of a civil-service law. The act of 1883, either by reason of its basic provisions or because of the manner in which it has been administered, has failed to fully satisfy either its projectors or the general public. Both Democrats and Republicans are in favor, to a certain extent, of a civil service that shall recognize merit and capacity, but the majority of both parties assert that these essential qualifications can properly and advantageously be linked with a political qualification, and as the present law and rules bar politics, the clamor against the law has grown to formidable proportions. With either party in power strenuous efforts are made to favor the adherents of the political faith of the dominant party, with the result that while public

manifestations of approval of the theory and spirit of the law are often given, private denunciation of its scope and operations are vehement and bitter. The pertinent question to be answered, therefore, is, What modifications or amendments can be made in the law in order to carry out its theory and render its operation satisfactory to the great mass whom, if you please, we will term the common people? It is a cowardly and abusive argument to meet a proposition for the enactment of a better law with the allegation that those who advocate such a course are "spoilsmen."

I am frank enough to say that if I could so modify the law as to favor the appointment of Republicans when the Administration was Republican and Democrats when the Administration was Democratic I would do so, making it a condition, however, that discharges should not be made because of political faith. I would advocate this for the reason that, to the greatest possible extent compatible with good government, the men charged with carrying out the policy or policies upon which an Administration is placed in power should be in sympathy with the Administration. If there is true merit in any theory of finance, tariff, or reciprocity, who should be intrusted with the conduct of the business that will demonstrate its truth or falsity? If you were trying to establish a Baptist congregation in a community would you select Methodists for your deacons? I fancy not. It is not practicable to change the personnel of an entire Administration every time a new party is voted into power, but there are a multitude of places where changes should occur, including all offices of an administrative or executive character. All new appointments should—under proper restrictions—be given to persons of the same political faith as the party in power. Vacancies enough occur through reasons other than political in the various Executive Departments of the Government to make it possible to satisfy as great a proportion of partisan claims as are usually satisfied under the most favorable conditions. My theory is not the bald theory that the "spoils of office" belong to the successful party, but that the principles advocated by such party should have the best exponents and the greatest number obtainable under the conditions and limitations which I will propose in the civil service, for how else can we shape results upon which the people are to judge whether they have chosen wisely? By the greatest number obtainable I do not mean to include other than the administrative and executive officials. But few of the thousands of clerks employed in the Departments, many of whom have been classified ever since the passage of the act of 1853 (sec. 164, R. S.), come within this category.

I have been in the civil service of this Government at various times for periods that aggregate eighteen years. Until 1883 nearly all clerks were examined, as provided by the act of 1853, to test their qualifications for entrance into the service and for promotion, after having served a probational term. The examinations were of a practical character, and generally proved to be a fair index of the candidates' ability. Even under the so-called spoils system I never had personal knowledge of the retention or promotion of but few incompetent or unworthy clerks, but I do know that merit, constancy, and industry were invariably rewarded. Injustice may have been done in rare instances, but never to such an extent as has occurred under the reformed civil service. There were no more "pulls" in evidence then than there are now and always will be under any scheme that can be devised, unless the human heart becomes less susceptible and preference for strangers overshadows our regard for friends. I have said,

perhaps, more than I ought as a prelude to what I shall advocate in the way of changes in existing law.

1. As the act of 1883 only provides for the classification of the force in the several Executive Departments, in post-offices, and the several customs districts of the United States, all other classifications should be abolished or the law amended so as to clearly include them.

2. All places or offices requiring scientific or technical knowledge and experience should be filled only by the appointment of an eligible to be determined by a practical examination conducted as hereinafter provided.

3. Classifications should be made by the heads of Executive Departments, all of the present independent bureaus (if any) to be attached to some designated Department for said purpose of classification.

4. All examinations for admission to and promotions in the several Departments to be under the control and direction of the head of the Department.

5. Each Department to report annually to Congress the character, scope, and results of examinations for appointment and promotion.

6. Appointments in the several Departments to be apportioned among the several States and Territories according to population, such apportionment to be determined annually from the best and most authentic data by the actuary of the Treasury Department and reported to heads of Departments and auditing officers for their guidance.

7. No discharge of any classified clerk or employee to be made for political or religious belief held by such clerk or employee.

8. No deputy collector of customs, and no deputy collector, storekeeper, or gauger in the internal-revenue service, to be classified under any circumstances.

9. The classification of any and all employees below the grade of clerk, and of those places embracing technical knowledge and experience, to be subject to the decision of the head of the Department in which employed.

10. Candidates, three in number, for each position to be filled in the Executive Departments, to be nominated by the Member of Congress from the district entitled to representation (according to quota rule), the head of Department in which vacancy is to be filled making selection of one of the three persons named, and such person to be given six months' probationary trial; and if not satisfactory, then another list of candidates to be made, provided that the same person shall not be nominated more than three times.

11. Reinstatements to be permitted, at the discretion of the head of a Department, of persons once employed in the classified service and separated therefrom for no fault or delinquency on their part, preference being given to honorably discharged soldiers, sailors, or marines who served during the war of the rebellion and received an honorable discharge.

12. No time limit to be imposed as to reinstatements, but no person above the age of 70 to be entitled to reinstatement.

13. Examination of candidates for admission to the Departmental service to be held by a local board in the Congressional district where candidates reside.

14. Examinations of candidates for places requiring technical and scientific knowledge to be held by local boards, the result to be rated on a scale of 100, 75 per cent of which will be allotted (according to proportion thereof earned) to the technical and scientific part of the examination.

15. Examination papers to be forwarded by local boards to the head of Department who requested the examination, and, after due consideration by said officer, if any candidate shall be deemed unfit for appointment, his papers shall be returned to local board and by them delivered to the candidate, with notice of the decision in his case.

16. The papers of accepted candidates shall remain on file in the proper Department until the expiration of the term of the Congressman nominating them (when they shall be returned to the candidate), and appointments made of said candidates in the order of their rating.

17. Tranfers, promotions, and reinstatements shall be made under a general rule to be formulated by a board of supervisors, to be formed of duly selected delegates from each Executive Department. Said board shall elect a chairman, and shall be provided with a secretary and a stenographer by detail, also with proper stationery, furniture, and quarters. The stationery will include typewriting machine and furniture to be supplied by requisition upon the Treasury Department, provided that the total cost of same (stationery and furniture) shall not exceed $5,000 per annum; quarters or rooms also to be provided by the said Department.

18. Local boards shall report to the board of supervisors at the end of each fiscal year the number of persons examined, certified, accepted, and rejected, and such other particulars as the board may require.

19. Details of clerks may be made by the heads of Departments at the end of each fiscal year for the use of the board of supervisors in preparing their annual report, but for no other purpose, said annual report to be presented to the President of the United States for transmission to Congress.

20. The board of supervisors shall formulate rules and regulations for carrying this law into proper effect, said rules and regulations to become effective after approval by a majority of the heads of Departments, and promulgation by publications to be distributed by said heads of Departments.

21. Infractions of rules and regulations to be reported to the proper auditor by the board of supervisors for such action as said auditor may deem proper in connection with adjustment of payment of salaries or wages.

22. The act of January 16, 1883, to be amended by striking out after the enacting clause all of section 1 and substituting, in such form as may be deemed proper, the provisions hereinbefore suggested in paragraphs numbered 1 to 22, both inclusive. In section 2 and other portions of the act of 1883 (supra) to substitute board of supervisors for "commissioners," and to amend all sections of the said act so as to conform hereto, omitting entirely the first four paragraphs of section 3. No records of appointments or examinations to be kept except by the local and departmental boards and the proper department official, the duplication of such records now being made being practically useless and very expensive.

MEMORANDA.—The present system of registration for filling vacancies in positions for which competitive tests are not practicable shows very clearly one of the extremes to which the original theory underlying civil-service reform has been carried. The registration system referred to embraces the name, age, physical condition, height, weight, term of experience in trade or profession, stated by the applicant and vouched for by two acquaintances, who also write their opinions as to his mental and moral qualifications. In my opinion, this method of selection of a janitor, fireman, elevator conductor, or carpenter is of

little value in securing the best material, besides being expensive, tedious, and slow in operation. No part of the so-called custodian force should be selected in this way, not even if it shall be determined to continue to grant them a life tenure of office. A custodian is of necessity a bonded officer, and should be permitted to select his entire force, under such restrictions as will insure the selection of skilled labor where needed. As an illustration of the present "red-tape" and utterly unsatisfactory system, permit me to call your attention to an actual case of circumambulation in selecting a carpenter, which came under my notice and in which I took part:

CHARLES C. BAEHR, CARPENTER, UNITED STATES CUSTOM-HOUSE AND POST-OFFICE, NEW ORLEANS, LA.

April 14, 1897.—Inspector of public buildings recommends to Supervising Architect employment of a carpenter to keep custom-house in New Orleans in repair.

April 29, 1897.—Supervising Architect approves foregoing recommendation, and by letter requests certification of eligibles from the Civil Service Commission for position of carpenter, United States custom-house and post-office, New Orleans, La., at $3 per diem.

May 3, 1897.—Secretary approves by indorsement.

May 4, 1897.—Certificate of three eligibles for appointment as carpenter called for by letter to Civil Service Commission.

May 10, 1897.—Certificate of Civil Service Commission received, containing three names and three sets of papers, one for each candidate; all submitted to the Supervising Architect.

May 14, 1897.—Supervising Architect returns list of eligibles with letter, and recommends the selection and appointment of Charles C. Baehr as a carpenter, United States custom-house and post-office, New Orleans, La., to be paid from the appropriation for "repairs and preservation of public buildings for 1897."

May 15, 1897.—Baehr appointed for a probationary term of six months; three sets of papers pertaining to eligibles returned by messenger to Civil Service Commission.

May 20, 1897.—Baehr took oath of office, which was forwarded by custodian with letter to this office.

May 31, 1897.—Civil Service Commission and Auditor for Treasury Department notified in monthly report of Baehr's probationary appointment.

June 23, 1897.—Supervising Architect recommends reappointment of Charles C. Baehr and others for permanent service instead of fiscal year 1897.

June 26, 1897.—Secretary approves by indorsement.

June 28, 1897.—Reappointed permanently from date of oath and custodian notified by letter.

June 30, 1897.—Civil Service Commission and Auditor for Treasury Department notified of revised appointment.

July 1, 1897.—Oath taken under permanent appointment and forwarded by custodian in letter of same date.

October 28, 1897.—Custodian recommends absolute appointment of Baehr, as he has proved to be an efficient carpenter.

November 8, 1897.—Baehr was absolutely appointed; appointment forwarded by letter to custodian, who was directed to administer oath to Baehr.

November 20, 1897.—Oath taken and forwarded with letter by the custodian.

November 30, 1897.—Civil Service Commission and Auditor for Treasury Department notified in monthly report of Baehr's appointment.

Every one of these actions is noted on our records.

The Civil Service Commission has somewhere reported the cost of each appointment made in the civil service as about $20, but the Commission evidently failed to take into account the time and labor expended in each Department in carrying out the complex, endless, and unbusinesslike rules which hedge about every change made in the personnel of the various offices now in the classified service. In the case alluded to, I venture to say that the custodian could have found a carpenter within an hour from the time he might have been notified that he could employ one, who would have been much more satisfactory than any he might procure through the tortuous method which controlled Baehr's selection.

Returning to the case of Baehr, who, as the result of his examination for carpenter, was given a general average rating of 94, permit me to state how that rating was determined, viz:

	Marks.	Relative weight.	Per cent.
1. Age (25 years)	100	1	100
2. Character	85	4	340
3. Experience	100	4	400
4. Physical condition	100	1	100
	.....	10	940
Average	.....	.....	94

The CHAIRMAN. What is meant by "relative weight;" the rate in the examination?

Mr. BRACKETT. Yes; the relative rate. It is divided into 10 parts, and the product is divided by 10, giving the average—94. Therefore the man was rated at 94.

Character as a workman was determined by the statement of two witnesses who say that Baehr has average skill and rapidity and is excellent as to care and industry. Whether the witnesses, who are of course friends of the candidate, are proper and impartial judges of Baehr's "skill" and "rapidity" may be questionable; but nevertheless this is a part of the "examination" by which his eligibility is determined. I submit herewith a blank application for examination which is used for the "Trades and skilled occupations," Form 304, and also the "Supplementary certificates," Form 394, used in such cases. I can not see why this form of examination, or one of similar character, could not be made by the custodian of a public building without the intervention of the endless-chain machinery of the present rules. I do not believe there is a custodian in office to day, Democrat or Republican, who would select and retain for political reasons only an incompetent or inefficient engineer, fireman, or elevator conductor, because by so doing he would place the lives of the occupants and visitors to the building in danger. I do not remember any instance where the appointment of persons to such places prior to 1894, when the places were unclassified, was followed by the destruction of either machinery or life. Now, I honestly believe that better service would be secured in public buildings by giving the custodian an untrammeled right of selection of his entire force. Another matter involving manual labor which deserves attention is the classification of certain laborers, which was

done under Executive order of June 10, 1896. (Said order is fully explained on page 73 of Thirteenth Annual Report of Civil Service Commission.) By the operations of the said order forty-nine persons in this Department, appointed and paid as laborers, have been classified. The opinion of the Secretary on this subject is given in the following letter, dated October 2, 1897, and addressed to the Civil Service Commission:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., October 2, 1897.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C.

GENTLEMEN: Referring to your letter of the 21st ultimo, in which you ask for facts relative to the appointment of Ernest Williams as a laborer in the office of the Auditor for the War Department, in place of William Oldham, a classified laborer, I have the honor to state that Mr. Williams was appointed on August 11 last without examination or certification by your Commission for the following reasons:

This office is of opinion that the assignment of a laborer to so-called classified work, resulting in his being designated as a classified laborer, under the rules adopted May 6, 1896, does not result in classifying the place he occupies to such an extent that when he vacates same it can only be filled by the process of certification. The place formerly occupied by Mr. Oldham was designated in the legislative, executive, and judicial appropriation act, approved May 28, 1896, as "laborer." The same designation was given to the place in a like act approved February 19, 1897. This was done in response to an estimate by this Department for a laborer. The distinction between skilled laborers and mere laborers is clearly drawn by Congress; therefore while it was possible under order of May 6, 1896, to extend the benefits of the civil-service laws to a person originally employed as a mere laborer, but who was then doing classified work, there could not be a permanent change in the official title by which his place was designated sufficient to outlive his employment, or to affect any place appropriated for under the title of "laborer."

The act of January 16, 1883, did not contemplate the classification of mere laborers, and while an exigency undoubtedly existed in many cases which resulted in the assignment of laborers to clerical work, this office now finds that there is such a pressing necessity for laborers that the evident intent and purpose of Congress in appropriating pay for a certain number of mere laborers was to comply with the demand of the Department for such class of employees. When, therefore, a person now designated as a classified laborer vacates his or her position, this office will be compelled to employ a mere laborer to fill such vacated place, unless Congress shall otherwise direct. With all due deference to the Commission, it is respectfully suggested that an opinion (which you refer to in your letter as being found on pages 73 and 74 of your thirteenth report) of the Commission, not based on any approved rule of the Commission, can not be accepted as a guide in the matter at issue.

Respectfully, yours,

O. L. SPAULDING, *Acting Secretary.*

Permit me before closing to call your attention to the fact that promotions are made in the Interior Department (excepting for examiners in Patent Office) without examination, and have been so made from the date of the enactment of the civil service law in 1883 to the present time. This is also true of the Post-Office Department. The Treasury Department holds an examination, generally noncompetitive, to test the qualifications of all persons promoted. I need not, I presume, comment on the wide difference in methods governing promotions practiced by the said Departments.

I beg to submit at this point another illustration of the "endless-chain" method by which the civil service is protected against the entrance thereto of the "ineligibles:"

February 5, 1897.—Light-House Board asked authority to employ George A. Moses as machinist in Seventh and Eighth light-house districts, at $100 per month.

February 13.—Secretary made requisition on the Civil Service Commission for eligibles.

February 15.—Commission stated that it had eligibles in the District of Columbia, and in Missouri, Minnesota, Maryland, and Pennsylvania.

If these are not acceptable, an appointment may be made for a period not to exceed ninety days.

February 17.—Secretary appointed George A. Moses for a period not to exceed three months.

February 18.—Secretary notified Commission of Moses's appointment.

May 8.—Light-House Board asked that Moses's appointment be continued for three months.

May 11.—Secretary asked the Commission for authority to continue Moses's appointment for three months.

May 14.—The Commission authorized the continuance of Moses's appointment "for such a part of three months as will enable it (the Commission) to provide a register of eligibles."

May 18.—Moses's appointment so extended for three months by Secretary.

June 29.—Light-House Board asked that Moses's appointment be made absolute.

August 14.—Light-House Board renewed its request for Moses's absolute appointment or for an extension of same.

August 19.—Secretary asked Commission to authorize absolute appointment.

August 25.—Light-House Board asked that Mr. Moses's services be continued.

August 30.—Commission declined to authorize absolute appointment, but "will, upon proper request, extend the temporary appointment until such time as an eligible register can be established."

September 14.—Secretary asked Commission to certify Mr. Moses for absolute appointment.

September 15.—Secretary asked Commission to authorize extension of Mr. Moses's appointment for another period of three months, if their rules would not allow his absolute appointment.

September 17.—Commission replied that absolute appointment can not, under the rules, be authorized, "as the Light-House Service has been classified."

September 22.—Commission authorized the continuance of Mr. Moses's appointment from August 19, 1897, "for such part of three months as will enable the Commission to establish a register from which a regular certification can be made."

September 29.—Secretary wrote to Light-House Board requesting that Mr. Moses be directed to file forms 304 and 394 for examination.

November 26.—Secretary extended Mr. Moses's appointment for three months from August 19, 1897.

December 16.—Light-House Board inclosed forms 304 and 394 for transmission to Civil Service Commission, and asked that his appointment be extended for three months from November 19.

December 23.—Forms 304 and 394 referred to the Commission by Secretary.

December 27.—Secretary requested the Commission to authorize extension of Mr. Moses's appointment for a period not to exceed three months from November 19.

Up to the present time there is no list of eligibles, and I have inserted a little pleasantry here, in which I say, Moses is, therefore, still in the bulrushes.

Civil-service reform has not attained the popularity which its projectors anticipated, and to my mind the result is attributable to several causes, the most notable of which are an excess of theory in its groundwork and misconception in its structural work and habilitation. The Commission charged with the formation of rules and regulations to

give force and effect to the law of 1883 have succeeded in erecting a system the elaborateness of which is excelled only by its glaring lack of consistency, and the magnitude of which in verbiage rivals the modern unabridged dictionary. The rules existing are prolix and prolific, and embrace offices ranging from the Coast Survey to the blacksmith shop in the navy-yard. No problem of scientific research is so abstruse as to deter the Commission from prescribing a method for determining who can best solve such a problem, and no trade or occupation is too simple or easy of acquirement to warrant the Commission to permit the employment of a representative artisan without its indorsement of his skill and efficiency.

To be sure, the primary reason for the enactment of a civil-service law was to secure efficient and meritorious officers, clerks, and employees in certain branches of the public service, but the most ardent supporter of the theory underlying the law never imagined that the theoretical would so soon obscure the practical features of the anticipated reform, and that even coal heavers or passers would be encompassed about by this octopus of reform, which was to stifle all partisan clamor for office and produce a class of officeholders wiser than Solomon and possessed of greater virtues than the great multitude who were their inferiors in scholastic accomplishments.

In conclusion, I submit that in order to have true civil-service reform it will be necessary to reform the civil-service law and methods now controlling appointments, promotions, and transfer in the public service.

I have a little additional information which I wish to add here. Since the 4th of March, 1897, the appointment division, over which I preside, has written to the Civil Service Commision 2,307 letters. The number of persons certified by the Civil Service Commission for original appointment since March 4, 1897, in all branches of the service connected with the Department, is 629. The number of persons appointed temporarily under civil-service rules, without certification, also transfers, promotions, reinstatements, unclassified appointments, etc., aggregates 9,284. You will observe, therefore, that not quite 7 per cent of the transactions of the appointment division have been dependent upon the Civil Service Commission. The statement, in detail, is as follows:

	Number of persons certified by Civil Service Commission, selected and appointed since Mar. 4, 1897.
The Departmental Service	67
The Internal-Revenue Service (gaugers and storekeepers)	114
The Customs Service	96
The Navigation Service	.....
The Immigration Service	2
The Life-Saving Service (mainly surfmen)	206
The Steamboat-Inspection Service	6
The Light-House Service	9
The Marine-Hospital Service	8
The Public-Building Service	.....
The Secret Service	.....
The Revenue-Cutter Service	7
The Subtreasury Service	6
The Mint Service	.....
The Assistant-Custodian and Janitor Service	106
The Shipping-Commission Service	2
Total	629

Number of persons appointed temporarily under civil-service rules since March 4, 1897, without certification, also transfers, promotions, reinstatements, and unclassified appointments, etc., 9,284.

I have here other information relative to the number of classified persons in the Department in Washington and the number outside, which, perhaps, you will not need.

The CHAIRMAN. Have you concluded, Major?

Mr. BRACKETT. Yes, sir.

Senator CHILTON. Major, do you occupy the place which was formerly occupied by Logan Carlisle?

Mr. BRACKETT. No, sir. He was the chief clerk of the Department; but, as has been said, he controlled appointments absolutely in the Treasury Department. He was chief clerk, and appointment clerk, and a part of the time Secretary of the Treasury.

Senator CHILTON. When did you take your present position?

Mr. BRACKETT. On the 24th of March.

Senator CHILTON. Who was your predecessor as appointment clerk?

Mr. BRACKETT. A gentleman named Nesbit, who is now disbursing clerk for the Coast and Geodetic Survey.

Senator CHILTON. What State are you from?

Mr. BRACKETT. The State of Maryland.

Senator CHILTON. Did you go into office under a civil-service examination or by direct appointment of the Secretary of the Treasury?

Mr. BRACKETT. I went into office under an examination prescribed under the original act of 1853. First, I went into the War Department in 1863. Afterwards, when in the Interior Department, I underwent an examination, which was also prescribed by the head of that Department. I never have taken any examination under the Civil Service Commission.

Senator CHILTON. How did you get into the position of appointment clerk of the Treasury? I want to get at the method of your appointment.

Mr. BRACKETT. By reinstatement—having once occupied a classified place.

Senator CHILTON. I understand that in the suggestions you make, one of the things which you would do is to abolish the present Civil Service Commission?

Mr. BRACKETT. Yes, sir.

Senator CHILTON. The administration of the civil service under your plan would devolve upon a board of supervisors, which, in turn, would be controlled by the heads of the various Executive Departments?

Mr. BRACKETT. Yes, sir.

Senator CHILTON. So the administration of the system would devolve upon the heads of the different Departments here?

Mr. BRACKETT. Yes, sir.

Senator CHILTON. Of course, when a President of one party was in power, then all the boards, practically, which would administer the law would be of the same political faith?

Mr. BRACKETT. If they were appointed from unclassified places that would be the case; but if——

Senator CHILTON. But I speak of the administrators of the law?

Mr. BRACKETT. Oh, yes, the administrators; that is very true; and I think one party could be trusted as well as the other in the administration of the civil-service law.

Senator CHILTON. All of one party as well as all of another?

Mr. BRACKETT. Yes, sir.

Senator CHILTON. Undoubtedly. But the question is whether all of one party could be trusted as well as part of one and part of another

to administer the law on nonpartisan principles. During the last four years prior to your entry into the service of the Treasury Department as appointment clerk have you lived in Washington?

Mr. BRACKETT. No, sir.

Senator CHILTON. Where have you lived?

Mr. BRACKETT. In Baltimore, most of the time.

Senator CHILTON. During the four years anterior to that time were you in Washington?

Mr. BRACKETT. From 1889 to 1893 I was in the employ of the Treasury Department.

Senator CHILTON. Here in Washington?

Mr. BRACKETT. Yes, sir; here in Washington.

Senator CHILTON. Have you watched the administration of the civil service in the Departments here with care all the time since the law went into operation?

Mr. BRACKETT. I can not say that I have watched it with care, but the effect of the law has, of course, come under my notice.

Senator CHILTON. Have you ever before this time made any recommendations in regard to it?

Mr. BRACKETT. No, sir.

Senator CHILTON. Have you ever changed your opinion in regard to it, or are the opinions you have advanced this morning the same that you have uniformly held?

Mr. BRACKETT. Yes, sir; I think it is the same. I will not say that I have uniformly held that opinion, because up to the time I went into the Department, of course, it was an untried law, practically. I was not prepared to give any opinion until the law had been fairly tested; but now it has been in operation for fourteen years, and the results of it are entirely unsatisfactory.

Senator CHILTON. What position did you occupy in the Treasury Department during the four years of the Harrison Administration?

Mr. BRACKETT. I was chief clerk of that Department, and as chief clerk I was chairman of what is known as the examining board—the board of promotion in the Department.

Senator CHILTON. At that time what proportion of the offices of that Department were under civil-service regulation?

Mr. BRACKETT. All of the clerical force. The chiefs of divisions were not until during the latter part of the Administration, but many of them were subjected to an examination to test their fitness for appointment.

Senator CHILTON. I refer more particularly to the examination provided by the Civil Service Commission.

Mr. BRACKETT. All of the clerical force. The watchmen and engineers in the Departments were not classified at that time, although we required them to pass an examination before appointment.

Senator CHILTON. When I speak of the civil-service examination I refer to the system under the administration of the Civil Service Commission, not to any outside examination which might or might not be provided by the heads of Departments. You watched the administration of the civil-service system under the Harrison Administration in its application to the employees of your Department, did you not?

Mr. BRACKETT. Yes, of course I took cognizance of everything that happened; but we received so few people from the Civil Service Commission by certification that it was not a matter of much discussion. You will understand that now about all the people we receive by certification from the Commission are people who are appointed, perhaps,

at a salary not exceeding $900 per annum; and the examinations covering promotion from $900 to $1,800 are conducted by the Department board.

Senator CHILTON. Was your experience with the civil service during Harrison's Administration in its application to the clerical force in your Department satisfactory?

Mr. BRACKETT. I think perhaps it was more satisfactory than it is at present; but the appointments, you will understand, did not come under my immediate supervision at that time. They came under the appointment division. I have no fault at all to find with their system of examination for clerks, but I think it could be as well conducted by the head of the Department.

Senator CHILTON. It was at least satisfactory enough to President Harrison, as I understand, to prompt him to put all the chiefs of divisions under the civil-service system. Did he not do so?

Mr. BRACKETT. Yes, sir; I believe he did.

Senator CHILTON. Did you have anything to do with that action?

Mr. BRACKETT. No, sir; nothing whatever.

Senator CHILTON. So when Mr. Harrison went out of office he left all the chiefs of divisions in the Treasury Department and all the clerical force of the Treasury Department under the regulation of the Civil Service Commission?

Mr. BRACKETT. Yes, sir.

Senator CHILTON. Mr. Harrison took that action after he was defeated for reelection, did he not?

Mr. BRACKETT. I can not answer that question.

Senator CHILTON. You do not remember that?

Mr. BRACKETT. No; I do not remember. I may as well explain here that I was not in the Department here during the entire four years of that Administration—that is, not while I was connected with the Department. I did not occupy the place of chief clerk.

Senator CHILTON. Did you go out of office on the incoming of the Cleveland Administration?

Mr. BRACKETT. Yes, sir. In the fall of 1891 I was appointed as special agent of the Treasury Department in connection with the World's Fair and was sent to Europe. Upon my return I went to Chicago, and I was connected with the Fair there—that portion of it which involved customs questions—until the 1st of May, 1893, when I was discharged by the Secretary of the Treasury because of lack of appropriations, as he said.

Senator CHILTON. You were not discharged for political reasons, then?

Mr. BRACKETT. No, sir.

Senator CHILTON. Major, you state that you have no prejudice at all against the civil-service system?

Mr. BRACKETT. No, sir; none at all.

Senator CHILTON. Have you noticed any difference in the pressure from political sources for office since the civil-service system was put in operation in the Treasury Department as compared with the time before?

Mr. BRACKETT. Oh, there is a difference, of course. There is less.

Senator CHILTON. There is less political pressure?

Mr. BRACKETT. There is less political pressure. There must be, necessarily.

Senator CHILTON. A good many of the suggestions which you make are entirely formal, are they not? No objection, I presume, would be made to them from any source. For instance, you suggest that each

Department shall report annually to Congress, etc.; also, that appointments in the several Departments shall be apportioned among the States and Territories according to population. The present law, I understand, undertakes to accomplish that end.

Mr. BRACKETT. Yes, sir.

Senator CHILTON. You suggest that there shall be no discharge of any classified clerk for political or religious belief. Of course, that is the design of the present law?

Mr. BRACKETT. Yes, sir.

Senator CHILTON. As I understand your system, you not only provide for the abolition of the Civil Service Commission, devolving the administration of the system upon a board of supervisors, which in turn receives appointment from the heads of Departments, but in order to insure the division of the offices among the several States you propose to allot the offices to each Congressional district?

Mr. BRACKETT. Yes, sir; according to population.

Senator CHILTON. Then you propose to have the Member of the House from each district select an examining board for that district?

Mr. BRACKETT. No, sir.

Senator CHILTON. Is not that your proposition, Major?

Mr. BRACKETT. I propose to have a Member of the House nominate three persons, just as I understand he does in the case of cadets for the Army and Navy.

Senator CHILTON. I see, now, by referring to your statement, that instead of having the Member of the House from each district select a board you propose to allow him to select three persons, and from those three persons the appointee is to be selected.

Mr. BRACKETT. Yes, sir.

Senator CHILTON. I have no doubt a proposition will be very pleasing to Senator Pritchard and Senator Lodge which leaves them altogether out.

Mr. BRACKETT. I have not any idea, sir, that Senators will suffer at all in that respect. I think if the system is good for the appointment of cadets in the Army and Navy it is good for the appointment of clerks.

Senator CHILTON. You have given a sort of inventory here in the experience of Mr. Baehr, carpenter at the United States custom-house at New Orleans. It seems that April 14, 1897, the inspector of public buildings recommends to the Supervising Architect the employment of a carpenter. He would have to make that recommendation anyway before he employed a carpenter, would he not?

Mr. BRACKETT. Yes, sir.

Senator CHILTON. Under any system?

Mr. BRACKETT. Yes, sir.

Senator CHILTON. On April 29 the Supervising Architect approves the foregoing recommendation. On May 3 the Secretary approves that indorsement. All that in the way of authorizing the employment would have to be done even without any civil-service system, would it not?

Mr. BRACKETT. It would depend altogether upon what regulations the Secretary might issue in that respect. Naturally the custodian would have to recommend the appointment of a carpenter.

Senator CHILTON. What I am trying to get at is how much of that would exist under any system.

Mr. BRACKETT. I think up to the present time, perhaps, that course would be necessary.

Senator CHILTON. The Secretary approves the indorsement?

Mr. BRACKETT. Yes, sir.

Senator CHILTON. On May 4, 1897, the certification of three eligibles was called for by letter to the Civil Service Commission. That is the time really when the action of the Civil Service Commission begins?

Mr. BRACKETT. Yes, sir.

Senator CHILTON. On May 10 the Civil Service Commission sends the three names. On May 14 the Supervising Architect returns the list of eligibles with the selection of Charles C. Baehr. On May 15 the appointment of Baehr is made. So from May 4 to May 15 you have taken only eleven days in order to get that carpenter down there under the civil-service system which you speak of?

Mr. BRACKETT. That case may not be as complete as some others. Of course I do not pretend to charge every movement of it to the existence of the civil-service law, but ordinarily we would send those papers, perhaps, all the way to the custodian at New Orleans and have him make the selection. In Baehr's case the Architect seems himself to have selected the man. The custodian would have the right to make the selection, and if he made it it would involve the sending of the papers to New Orleans and having them returned.

Senator CHILTON. It seems to me this paper demonstrates the efficiency of the civil-service system, because on May 4, 1897, you called for a carpenter. The Commission furnishes the certification, the Supervising Architect makes the selection, and the appointment is made from May 4 to May 15, at which time Baehr is appointed. On May 20 Baehr takes the oath of office. I presume that is the time it took to send a letter from here to New Orleans to notify Mr. Baehr of his appointment.

Mr. BRACKETT. Yes, sir.

Senator CHILTON. Now, that is all the time taken to put Baehr in the public service, according to this statement you make.

Mr. BRACKETT. On a probationary appointment.

Senator CHILTON. The balance of it, of course, comes from the form of the law and the regulations which are intended to guard the public service, through the examinations, from the entry of an inefficient man. Mr. Baehr goes into the service of the public on the 20th of May. He takes the oath on that day and goes into the service, and he has been there ever since, has he not?

Mr. BRACKETT. I believe he has.

Senator CHILTON. He has proved to be a satisfactory carpenter?

Mr. BRACKETT. I believe he has.

Senator CHILTON. The custodian at New Orleans, after trying him, recommends the absolute appointment of Baehr, as he has proved to be an efficient carpenter, and he has continued to be in the public service from that time to this.

Mr. BRACKETT. Nevertheless, there are twenty-three transactions to get him in there and make him permanent.

Senator CHILTON. Yes, to make him permanent. This second set of letters seems to have been due to the expiration of the fiscal year. Was it not?

Mr. BRACKETT. No, sir; it was due to the failure of the Commission to provide an eligible for that office.

Senator CHILTON. No; I am talking about the second set of transactions in regard to Baehr, after May 20. You go on to speak of Baehr's reappointment for the permanent service. That was due to the fact that the appointment had been made just anterior to the expiration of the fiscal year, I understand.

Mr. BRACKETT. Yes, sir; but it involved, of course, a notice to the Commission.

Senator LODGE. Mr. Brackett, I understand that the custodians recommend men for such places at the different public buildings.

Mr. BRACKETT. Yes, sir; the custodians recommend them to the Secretary of the Treasury.

Senator LODGE. And it is left to the custodians to select from the eligible list?

Mr. BRACKETT. Well, it is in many instances.

Senator LODGE. Why is it not the uniform practice?

Mr. BRACKETT. I can not tell you. That matter comes more directly under the chief clerk and superintendent. Sometimes they select them themselves by reason of having had communication with the custodian.

Senator LODGE. For instance, a custodian makes a requisition for an engineer, we will say, or an elevator man, and three names are sent by the Civil Service Commission. Now, is the selection made here or is it made by the custodian of the building?

Mr. BRACKETT. Sometimes it is made here and sometimes by the custodian.

Senator LODGE. Why is not the practice uniform?

Mr. BRACKETT. I do not know, sir. So far as making the appointment is concerned, we take the recommendation of the chief clerk and superintendent.

Senator LODGE. What I want to get at is why the custodian, who is on the spot and can make inquiries in regard to the men certified, is not the proper person to do it.

Mr. BRACKETT. I think myself he ought to do it.

Senator LODGE. Would it not save a good deal of time and correspondence if he were allowed to do it?

Mr. BRACKETT. I do not know how much correspondence it would save; possibly not very much.

Senator LODGE. I asked the question because in Boston the custodian is not permitted, apparently, to make the selection. The names are selected here and sent to him.

Mr. BRACKETT. As I said before you came in, I think the custodian ought to make the appointment without the intervention at all of the Civil Service Commission.

Senator LODGE. The Civil Service Commission have nothing to do with the point I am asking about. Their functions end when they certify the three names. The Treasury Department undertakes to select from those three names, and they undertake to select from men 500 miles away, in Boston. The result in two cases I know about was that they had to make a second selection.

Mr. BRACKETT. The papers do not always clearly indicate the character of the man.

Senator LODGE. But is not the duty of selecting a duty of the local board or the local officer?

Mr. BRACKETT. What board do you refer to, Senator?

Senator LODGE. Does not the local board certify the names?

Mr. BRACKETT. No; we get them from the Civil Service Commission, and they get them from the local board.

Senator LODGE. Then those names are selected here in some instances, I understand?

Mr. BRACKETT. Yes, sir; in a great many instances.

Senator LODGE. Why is that done?

Mr. BRACKETT. I think, perhaps, in the case of engineers it is done

because they have a very competent man connected with the office, the chief clerk and superintendent, who is superintendent of electric lighting and who is an engineer not only by profession, but he started as a stoker and is a very capable man. He examines the papers in the case of engineers. The case of a janitor or an elevator conductor, of course, does not require much consideration.

The CHAIRMAN. Who signs the commissions of these men?

Mr. BRACKETT. The Secretary.

Senator LODGE. But how can any other man ever be able to judge so well about the three names certified in San Francisco or Boston as the man on the spot?

Mr. BRACKETT. I do not think he is so well situated here to judge of the capacity of the man, and for that reason I say that they ought not to be embraced within the classified service. The custodian ought to be permitted to make his own selection, subject, of course, to some style of examination to be prescribed by the Treasury Department.

Senator LODGE. But he is prevented now from making his own selection from the certified list; and he is prevented by the Treasury Department, not by the Civil Service Commission?

Mr. BRACKETT. Yes.

Mr. PROCTER. Major Brackett, you are aware that in the postal service carriers and clerks are certified from local boards without the multiplicity of correspondence to which you refer?

Mr. BRACKETT. Yes.

Mr. PROCTER. And that it is a question whether the custodians and other servants of the Treasury Department in various parts of the country might not be notified through a local board in some way, if the Treasury Department so desired it, and that it is because the Treasury Department chose rather to keep the appointment of those people in its own hands that this has not been done?

Mr. BRACKETT. No, sir; I am not aware of that fact, because probably any correspondence relating to that subject was had prior to the time I went into office.

Mr. PROCTER. You are familiar with that clause of the civil-service law which says that the Commission is organized "to aid the President, as he may request, in preparing suitable rules for carrying this act into effect, and when said rules shall have been promulgated it shall be the duty of all officers of the United States in the Departments and offices to which any such rules may relate to aid, in all proper ways, in carrying said rules, and any modifications thereof, into effect?"

Mr. BRACKETT. I am entirely familiar with that provision of the law. I am not only familiar with it, but I defer to it in all the transactions of my office.

Mr. PROCTER. Do you think that the recommendations made by you as appointment clerk of the Department for the abrogation of a law which Congress says you must aid in the enforcement of are in the line of that provision?

Mr. BRACKETT. Absolutely. I am here in my capacity as a private citizen by invitation of the chairman of this committee.

Mr. PROCTER. In speaking of the Light-House Service you read a very voluminous correspondence. Are you aware of the fact that the Commission, through its chief examiner, about a year ago asked the Treasury Department to submit a plan for examinations for the Light-House Service which would be satisfactory to the Treasury Department, and that those plans were not submitted until December?

Mr. BRACKETT. I am aware of the fact that they submitted some plans lately, but I do not know when they were asked for. That whole matter was, of course, in the hands of the Light-House Board, not in the hands of my office.

Mr. PROCTER. And plans have been arranged by which these appointments may be made through local boards, which the Light-House Board believe will obviate the troubles to which you call attention; and similar plans have been made in the Engineer Department so that the appointments can be made by the local boards at the various engineer offices, without——

Mr. BRACKETT. May I ask you a question?

Mr. PROCTER. Certainly.

Mr. BRACKETT. How long have the employees of the Light-House Board been in the classified service?

Mr. PROCTER. I think the classification was returned in July a year ago, but it did not go——

Mr. BRACKETT. And you have been unable up to the present time to furnish or to suggest a proper method of examination of those officials?

Mr. PROCTER. We have suggested several methods, but it is for the Light-House Board or the Treasury Department to decide what method shall be adopted.

Mr. BRACKETT. I do not understand that that is the fact. I understand that you are to make the rules and regulations, with the approval of the President.

Mr. PROCTER. You are mistaken. The rules are made after consultation, and the regulations for examination are made by the Departments.

Mr. BRACKETT. Let me ask you another question. Do you mean to intimate that I have ignored in my administration of the office in any way that clause of the law to which you referred?

Mr. PROCTER. If I am on the witness stand I will be perfectly candid in saying that I think your communication is a violation of that rule of law.

Mr. BRACKETT. In what respect?

Mr. PROCTER. Because it is not aiding in all proper ways in carrying the rules and any modifications thereof into effect.

Mr. BRACKETT. Then we must take it for granted that those rules are as perfect as any that can be devised.

Mr. PROCTER. They are the rules of the President of the United States.

Mr. BRACKETT. The rules of several Presidents of the United States.

Mr. PROCTER. You say that the rules are prolix and prolific. Are you aware of the fact that when you were chief clerk of the Treasury Department before the rules were prolix and prolific, and that the present rules have been a condensation of those rules, which are very much simplified, and that the Departments have expressed great gratification at the simplification of those rules?

Mr. BRACKETT. I have not observed any very great simplification of the rules. Let me reiterate right here what I said in the beginning. Out of all the transactions of our office we were dependent upon your Commission for 629 certificates, and outside of that we made changes aggregating 9,284 places.

Mr. PROCTER. May I ask you if that is not because your Department chose to reinstate persons and transfer persons from outside instead of appointing from the register?

Mr. BRACKETT. Making temporary appointments where you had no

eligible register. You informed our office at one time that you had 15,000 papers of candidates for various offices unmarked on the files of your office. Of course, I am not finding fault that you were not able, perhaps, with your inefficient force—or your insufficient force, I should say—to complete that examination.

Mr. PROCTER. You are aware of the fact that in the Railway-Mail Service and in the postal service and in those services longest classified, where the officers in charge of administration realize the facts and cooperate with the Commission, very few of the troubles which you complain of exist?

Mr. BRACKETT. No; I know nothing about any other service except our own.

Mr. PROCTER. And that most of the troubles complained of in the application of the civil-service law is where the persons are usually—I do not wish to make a personal application at all, but my experience is that——

The CHAIRMAN. I suggest, Mr. Procter, that you should simply ask Major Brackett any question you desire to ask him and get his answer.

Mr. PROCTER. Major Brackett, you have had long experience in the public service. Is it not your experience that most of the troubles come not where the persons are trying to cooperate with the Commission in the administration of the law, but are trying to evade the law or do something which the law does not permit?

Mr. BRACKETT. No, sir; it is not.

Mr. PROCTER. That is all I care to ask.

The CHAIRMAN. You stated that you have had to make a great many temporary appointments in consequence of the fact that the Commission was unable to furnish an eligible list?

Mr. BRACKETT. Yes, sir.

The CHAIRMAN. How many temporary appointments do you think you have had to make?

Mr. BRACKETT. I attempted to get up that detail. I was not able to complete it. Of course I want to do the Commission absolute justice. I am not finding any particular fault with the Commission so far as its personnel is concerned, but with the system, and with the inadequacy of the machinery provided to do the work contemplated by the law.

The CHAIRMAN. This failure, I understand you to state, is due to the fact that the Commission did not have a sufficient number of clerks to transact the business there.

Mr. BRACKETT. I presume so. I should judge so.

The CHAIRMAN. Do you know how many clerks are employed by the Commission?

Mr. BRACKETT. I do not. I know we had there at one time as many as seventeen clerks from the Treasury Department.

The CHAIRMAN. Do you mean clerks detailed from the Department for that service?

Mr. BRACKETT. Yes, sir.

The CHAIRMAN. How many have you there now?

Mr. BRACKETT. I should say perhaps somewhere near that number. I can not tell you precisely, but we have been very liberal in sending them assistants. In the Marine-Hospital Service we have had 8 certifications. Since March 4 we have made 1,033 temporary appointments. Of course, that is largely because of the epidemic of yellow fever; but there were no eligibles for those places. In the custodians' force, where, it seems to me, we ought to have eligibles, we have appointed under certification 106, and we have made temporary appointments to the number of 107.

The CHAIRMAN. Is not this condition of affairs rather due to the fact, in your judgment, that President Cleveland undertook to classify those places in advance of the time when the Commission were prepared to furnish the eligibles?

Mr. BRACKETT. Yes, sir; I think they were given entirely too much work, and they had an insufficient force. I do not think the Commission have been furnished with a force sufficient to carry out the rules they have made under the law.

The CHAIRMAN. Do you remember how many offices were included in the classification made by President Harrison?

Mr. BRACKETT. No, sir; I do not remember.

The CHAIRMAN. Do you remember how many were included in the recent order made by President Cleveland?

Mr. BRACKETT. No, sir.

Mr. PROCTER. Major Brackett, you spoke of the frequent temporary appointments in the custodians' service. Are you aware of the fact that the Treasury Department requested that the Commission would hold examinations only for existing vacancies and not for registers, and that for that reason it was always necessary to make temporary appointments pending the examination?

Mr. BRACKETT. No, sir; but I should think it an extremely unbusinesslike way of preparing a list of eligibles if you have to hold a special examination every time you want an elevator conductor.

Mr. PROCTER. When you say "unbusinesslike," it is a reflection on the Treasury Department, because it was at their request.

Mr. BRACKETT. Very true.

Mr. PROCTER. It is always found that you get a better character of men to compete for an existing vacancy. Are you aware that in the Marine-Hospital Service the request was made that temporary appointments might be made pending the yellow-fever epidemic because they did not wish to make permanent appointments, and therefore an examination was not necessary? They were appointed for the existing emergency.

Mr. BRACKETT. Yes, but I speak in a general way. You are aware, of course, that you have not now on the files of your office any very extensive lists of eligibles for any particular classified office. Is not that a fact? Are you not limited as to the names of eligibles? We frequently send there for certifications and we do not receive them; and we have to make temporary appointments very often.

Mr. PROCTER. We have ample registers, except for the custodians' force, where an examination is requested only when there is a vacancy. You are aware that we have registers for that character of service, but the Treasury Department desires to appoint only from the locality in the custodians' force.

Mr. BRACKETT. Admitting all you say, is it not a fact that if the spirit and intent of the law is to be carried out you ought to be prepared at any time to furnish a man eligible for any classified office?

Mr. PROCTER. We have experienced very little difficulty in finding people who are willing to take the examinations.

Mr. BRACKETT. That is not an answer to my question.

Mr. PROCTER. And wherever an eligible register is asked to be established we have little difficulty in establishing one.

The CHAIRMAN. Mr. Baker, you may ask Major Brackett any question you desire.

Mr. BAKER. In your list I notice that 629 appointments have been made from the Treasury Department since March 3. Does that include

simply officers in Washington, or those throughout the entire service of the Treasury Department?

Mr. BRACKETT. The entire service.

Mr. BAKER. Mr. Procter seems to object to your statement as a violation of the law. Do you not think that as an individual you have a right to criticise any statute or any rule that you are called upon to enforce, and that you can enforce it notwithstanding a criticism of it?

Mr. BRACKETT. If I did not presume that I had the right to come here, in obedience to the request of the chairman of this committee, of course I would not be here. He asked me for my individual opinion as to the enforcement of the civil-service law. I have given it.

The CHAIRMAN. I will state in justification of Major Brackett that it was at my request he appeared here, owing to the fact that he has had much experience in the Government service. We have called on different officials, and we propose to call on the members of the Civil Service Commission and have them make a statement covering this entire subject.

Mr. BRACKETT. I believe the members of the Cabinet were requested to give their opinion of the civil-service law.

The CHAIRMAN. Yes, sir; and they have given it.

Mr. BRACKETT. Several of them responded yesterday to a resolution of the Senate of the United States, and gave their opinion as to changes which should be made in the law.

Mr. BAKER. I do not understand that Major Brackett needs any justification.

The CHAIRMAN. No; his statement is entirely a proper one.

Mr. BAKER. Every individual, whether an officer or not, has a right to criticise any statute or any rule in relation to the Government of the United States. Mr. Brackett, under what authority of law do you detail clerks for service outside of your Department—for instance, to the Civil Service Commission?

Mr. BRACKETT. I believe it is one of the provisions of the original law of 1883 that the various Departments may detail clerks to the work of the Commission. That is my impression.

Mr. BAKER. If you will examine the provisions to which you refer I think you will find that it relates only to the appointment of examiners, not exceeding three in number, to conduct examinations. I understand that the Treasury Department has transferred clerks to the clerical work of the Commission. I should like to know by what authority of law it did so.

Mr. BRACKETT. Our understanding is that they are used generally in the marking of papers and ascertaining the averages.

Mr. BAKER. I will ask your attention and that of the Department to the language of the statute. I know very well the Commission has made an answer to the House committee on that subject, but it seems to be very illogical, and certainly it is an unsatisfactory one. That is all I wish to say, Mr. Chairman.

Senator LODGE. In regard to the details of clerks, I should like to ask you under what section of the law it is done.

Mr. BRACKETT. It has been the custom for years to do it.

Senator LODGE. The language of the law is that the Department may detail not less than three persons.

The CHAIRMAN. That is the language of the civil-service act of 1883?

Senator LODGE. Yes, sir.

Mr. BAKER. To act as examiners.

Senator LODGE. To act as examiners.

Mr. BRACKETT. It strikes me there is a provision in some one of the appropriation bills enacted since 1883.

Mr. BAKER. The appropriation acts prohibit it.

Senator LODGE. I will ask Mr. Procter if it is not the case that those persons are to be employed as examiners.

Mr. BAKER. I think the context shows that they are to be examiners, who shall hold examinations simply and solely.

Senator LODGE. That is a question of interpretation.

Mr. BAKER. Yes, sir.

Senator LODGE. I will ask Mr. Procter if it has not been the practice for a long time to detail clerks to the work of marking papers.

Mr. PROCTER. Most of the work up to the appropriation made by Congress in 1894 was done by detail, which was recognized by Congress, and by each Congress, because the request was made for transfers and they preferred to have them by detail, and did not make the necessary appropriation.

Senator LODGE. I happened to be concerned in the increase in the force of the Civil Service Commission in order to relieve it from the detailing of clerks from the Department, and that is the reason why I asked in regard to it. It seems to me that the law is clear as to the detail of clerks for purposes of examination.

The CHAIRMAN. It does not limit the number?

Senator LODGE. No; the provision in the act of 1883 reads: "The Commission shall, at Washington and in one or more places in each State and Territory where examinations are to take place, designate and select a suitable number of persons, not less than three."

Mr. BAKER. To act as examiners.

Senator LODGE. That is just what I have asked. Do not those clerks act as examiners in examining papers?

Mr. BRACKETT. That is a different matter entirely. That provision refers to local boards. We have in all the custom-houses of the country local boards.

Senator LODGE. I understand that, but observe it begins by saying "at Washington."

The CHAIRMAN. Under what section do the Civil Service Commission get authority for the employment of the clerical force in their office?

Senator LODGE. Under appropriation acts. The language of the act is that "the Commission shall, at Washington, * * * designate and select a suitable number of persons."

Mr. BAKER. Senator, permit me to call your attention to the language of the appropriation acts, which specify that the clerks provided for shall be used for the purposes therein expressed.

Senator LODGE. That is very true.

Mr. BAKER. There is nothing in the appropriations for the Treasury Department that I can comprehend which justifies the detail of those clerks in the office of the Commission.

Senator LODGE. Oh, yes; the law of 1883, which has never been repealed, is perfectly clear. We went all over this matter in the House very elaborately three or four times when I was there, and Congress increased the force of clerks in the office of the Civil Service Commission in order to reduce the number of details.

Mr. BAKER. As Mr. Roosevelt said, to prevent details.

Senator LODGE. Congress has not given them enough clerks to prevent details. The details are much smaller, I understand, Mr. Procter, than they were.

Mr. PROCTER. Yes; they are reducing the number all the time. The details in proportion to the amount of work done are evidently smaller now than they were some years ago.

Mr. BAKER. Has not the detail been larger within the last year and a half than it has ever been since the addition to the regular force of the Commission which was authorized under Mr. Roosevelt?

Mr. PROCTER. For two years after the passage of the law allowing the Commission to use their own clerical force they got along with practically no detailing. It was only after the great increase of the work incident to the extension of the rules, and I may say incident to changes of Administration, which always increase the amount of work, that the Commission were forced to ask for transfers.

Senator LODGE. The requirement of a detail at the present time has been owing to the large extension of the classified service and the consequent increase in the number of papers to be examined?

Mr. PROCTER. That is it exactly.

Senator LODGE. Was not the increase made in the force of the Civil Service Commission in 1894 based on the amount of work the Commission then had to perform?

Mr. PROCTER. It was.

The CHAIRMAN. How many papers have you examined during the last year?

Mr. PROCTER. Fifty-two thousand sets.

Mr. BAKER. I do not understand that there is any dispute as to the quantity of work which the Commission has laid out for itself. The dispute is only as to the method of performing that work by detail, which I believe to be without authority of law.

Senator LODGE. This matter of detail has been gone over and over. It was discussed in the House, and the increase was made in the clerical force of the Civil Service Commission in order to save the detail. No one suggested that under the law, which was as plain as possible, there could be any doubt of it at all. No Department ever objected; and there can not be, in my judgment, under the law, any doubt. It is a question of interpretation. I never heard it questioned until within a few days.

Mr. BAKER. I think it is time that it should be questioned.

Senator LODGE. I think it is, because I believe the Commission ought to have a suitable force. I have felt that way all along, and that is the reason why I was largely concerned in the increase of force in 1894. I did it because I think they ought to have an entirely independent force. But that is clearly implied. Nothing but an extreme twisting of the statute would make it otherwise.

Mr. BAKER. I think you have to twist it extremely to get that meaning, as the only purpose, which is evident upon the face of the section, is to provide simply and solely for the examination of eligibles, and principally at stations throughout the different States and Territories.

Senator LODGE. Then why does the law state that the Commission shall at Washington designate and select a suitable number of persons?

Mr. BAKER. Simply because in itself it only provided for a chief examner, and it requires that there shall not be less than three examiners at any point.

Senator LODGE. It says that "at Washington and in one or more places in each State and Territory where examinations are to take place" the Commission shall "designate and select a suitable number of persons, not less than three."

Mr. BAKER. That is, there shall be a board at Washington as well

as a board at Boston. The law itself provides only for a chief examiner; and it was as necessary to have a board at Washington as a board at Boston.

LETTER FROM CUSTODIAN OF PUBLIC BUILDING AT ASHEVILLE, N. C.

The CHAIRMAN. I have here a letter written by Mr. C. B. Moore, custodian of the public building at Asheville, N. C. Inasmuch as Major Brackett has been dealing with the question of the appointment of janitors and watchmen of public buildings under the rules of the Civil Service Commission, I will let the communication go into the record at this point.

The letter referred to is as follows:

OFFICE OF CUSTODIAN,
UNITED STATES COURT-HOUSE AND POST-OFFICE,
Asheville, N. C., December 18, 1897.

Hon. JETER C. PRITCHARD,
United States Senate, Washington, D. C.

DEAR SIR: On June 15 last, upon a recommendation of mine as custodian of United States court-house and post-office building at this place, Reginald H. Loder and William J. Merrell were appointed and entered upon the discharge of their duties as janitor and watchman, respectively. This appointment was for a period not to exceed ninety days. At the end of this time (ninety days) they were succeeded, respectively, by Joseph W. Heath and Charles A. Evans, jr., appointed by the Secretary of the Treasury upon a certification of the board of Civil Service Commission.

The first appointees, to wit, Loder and Merrell, did not possess literary qualifications sufficient to admit them under the rules of the civil service. Their successors were adjudged by the Civil Service Commission eminently qualified in that respect. But to show you how matters work I will state that soon after the civil-service appointees, to wit, Heath and Evans, entered upon the discharge of their duties it became necessary to heat the building in my custody. At the very outset they admitted their inability to manipulate the heating apparatus in said building, and as a result had to employ at their personal expense the said William J. Merrell, whom Evans had succeeded by virtue of the civil-service rules.

On the one hand, Merrell and Loder were not qualified to comply with the rules of the civil service, and on the other hand their successors were. But when it came to the practical performance of the duties of their office the latter were incompetent and unqualified to discharge the duties of their office, their civil-service attainments to the contrary notwithstanding.

Merrell was recommended by me for appointment to the position which he occupied for ninety days, for the reason that he is a practical fireman, engineer, heating-apparatus fitter, etc.

He was employed by the contractor who fitted up the heating apparatus in this building to assist in placing such apparatus, and personally helped to handle and place each pipe, valve, flue, and other necessary parts of the apparatus in this building, and because of his familiarity with such arrangements I thought proper to appoint him, and especially when I remember that the service of the heating department in this building has been very unsatisfactory since this house has been occupied, which fact is attributable, as I believe, to the fact that

inexperienced and incompetent men have had the heating department in charge.

I cite these facts to you to show you the impracticability of civil service as applied to janitor and watchman in this United States court-house and post-office building.

Merrell is now employed, as he has heretofore been employed during the winter season, by one of the leading hotels of Asheville, to supervise and run the heating department of that hotel. He is so employed because of his competency, skill, and familiarity with such work.

I note the interest you are taking in civil-service matters, and it meets the hearty indorsement of your party friends in this section of your district; and, feeling an interest in the success of our party, I have taken the liberty to address you as to the workings of civil-service matters under my control.

Very respectfully, C. B. MOORE,
Custodian.

The subcommittee adjourned until Thursday, January 13, 1898, at 10 o'clock a. m.

THURSDAY, *January 13, 1898.*

The subcommittee met at 10 o'clock a. m.

Present: Senator Pritchard, chairman; also Hon. J. R. Procter, president of the Civil Service Commission; Mr. E. D. Bailey, chief clerk; Mr. A. R. Serven, chief examiner, and Mr. G. R. Wales, of the Civil Service Commission; Mr. George McAneny, secretary of the National Civil Service Reform League; Hon. William Dudley Foulke, of the National Civil Service Reform League, and Hon. Henry M. Baker, acting president of the National Anti Civil Service League.

GOVERNMENT PRINTING OFFICE.

TESTIMONY OF E. W. OYSTER.

E. W. OYSTER, having been duly sworn, testified as follows:

Mr. OYSTER. Senator, can I give a synopsis—just a brief statement—of the facts in the letter I wrote to you?

The CHAIRMAN. It was my idea that you wanted to be heard in regard to your discharge from the Government Printing Office. You were before given a full opportunity to testify as to the operation of the civil-service law. You were examined at length and afterwards made an additional statement. I do not think that we can afford to go into that matter again. I prefer to hear you in regard to your discharge from the Government Printing Office, and the reasons therefor.

Mr. OYSTER. I think the chairman probably misunderstood Senator Chilton. At least his idea was that I should present any facts that have since come to my attention in regard to the beneficial results coming from the application of the civil service to that office. I do not care to make my individual case prominent, because I do not think that it should be made prominent. Incidentally it may come in; but I have facts here that bear upon the application of the civil service to the Printing Office, and they show the beneficial results of it. That is the one thing that Senator Chilton desired me to bring out. I will lay aside the letter I wrote you, but there are facts here that I think ought to be brought out.

The CHAIRMAN. Why was it that you failed to give those facts when you were sworn to tell all you knew about the matter?

Mr. OYSTER. Because the facts were not at hand at the time. The facts have since come to light, and official records have come to light which, put in comparison with the records under the old system, clearly demonstrate the beneficial effects of the application of the civil service to the Printing Office. In fact some of them have just come to light in the last few days in the report of the Public Printer, which has just been printed.

The CHAIRMAN. If you want to testify as to facts in the Public Printer's report of course we can get those by an examination of the report. It is not necessary to have those testified to before the committee.

Mr. OYSTER. But there are certain facts which I have brought out by an examination of the report. It is in very brief form, and it will take but a very few minutes to present those facts to the committee.

The CHAIRMAN. I understood Senator Chilton to state that you desired to make a statement with respect to your removal from the Government Printing Office, and I told him that we would be glad to hear any statement you might desire to make in regard to it. I think it would be entirely proper for the committee to hear anything you might have to say on that subject, but if we reopen the entire question again, and recall witnesses, and establish a precedent of that kind, some one on the other side would want to be heard from, and there would be no end to this investigation.

Mr. OYSTER. I am sure that this point is the one particularly that Senator Chilton desired brought out, and he impressed upon me the importance of showing it and bringing it out before the committee. He is not able to be present this morning on account of the meeting of another committee of which he is a member.

The CHAIRMAN. Very well; but it is unfortunate (as he was anxious to have it brought out) that he is not present.

Mr. OYSTER. As I stated, it is in such brief form that it will not take five minutes to present it.

The CHAIRMAN. You can leave the statement with me and I will submit it to the committee, and if they desire to incorporate it, well and good.

Mr. OYSTER. I do not know that it is in such a shape that it could be incorporated without the explanations that I would have to give in regard to the figures.

The CHAIRMAN. In the absence of a majority of the committee I prefer, before establishing a precedent of this kind, to wait and lay the matter before them. If they should decide to hear you, we will be delighted to give you a hearing on that subject; but I do not think that we can afford to recall witnesses and go into that matter again.

Mr. OYSTER. The statement shows a very great saving over the old system.

The CHAIRMAN. If you will prepare a statement and submit it to the committee I will confer with them as to the advisability of incorporating it with your testimony.

Mr. OYSTER. Do you mean that I shall prepare a statement in writing?

The CHAIRMAN. Yes, sir; and I will submit it to the committee, and if they decide to let it go in, all right. I trust you will confine yourself to a statement of the facts showing the advisability of adhering to the civil-service rules. If there is any further statement you desire

to make this morning in regard to other matters we shall be glad to hear it.

Mr. OYSTER. Since my appearance before the committee last summer I was dismissed by the Public Printer. I was dismissed, I think, on the 7th of October, without charges being furnished in writing, with the names of my accusers, or such an opportunity as was evidently intended by the President of the United States, under his order, that an accused official under the Government should have; and I have been unable from that time to this to get a statement from the Public Printer of the charges against me, with the names of my accusers and the evidence submitted in support of the charges.

The CHAIRMAN. Were you dismissed without being notified as to any charges?

Mr. OYSTER. I was not dismissed without being notified. I was handed a typewritten sheet with certain statements on it, without signatures.

The CHAIRMAN. Have you a copy of that statement with you?

Mr. OYSTER. No, sir; I have not. The Public Printer has positively refused to furnish me a copy of that statement, even the unsigned statements, the anonymous statement, so far as I was concerned, which at the time I told the Public Printer had not a grain of sand for a foundation upon which to stand. I told him that there was no truth whatever in the statements; that I could prove it by the records of my division if he would give me an opportunity to furnish the proof.

The CHAIRMAN. Have you requested the Civil Service Commission to investigate the cause of your removal?

Mr. OYSTER. Yes, sir; I have written and stated my case to the Civil Service Commission.

The CHAIRMAN. What action have they taken in the premises?

Mr. OYSTER. They called on the Public Printer for a statement in my case, I think, and a copy of the charges upon which he acted. I understand that the Public Printer has failed to furnish any such statement to the Civil Service Commission. I believe I am right in that, Mr. Procter?

Mr. PROCTER. A general statement.

Mr. OYSTER. Yes; the charges, with the names of my accusers. He replied in some way to the commission, but of course I have not the letter, and I can not quote just the statement he made in that letter to the commission.

The CHAIRMAN. How long had you been employed there, Mr. Oyster?

Mr. OYSTER. In the Government Printing Office?

The CHAIRMAN. Yes, sir.

Mr. OYSTER. Altogether, I think, about sixteen years. For four years and a little over I was foreman of the Congressional Record. I was foreman of the specification room during both of Mr. Benedict's administrations. The other part of the time I was working at the case and in other positions in the office.

But my idea is that the civil-service rules, and the President's order, and the law giving ex-soldiers—all things being equal—the preference, all covered my case, and that every one has been evaded, if not violated, in the manner of my dismissal from the public service. I had no opportunity such as was evidently intended by the President of the United States that an accused official should have. I did not know my accusers, so far as any official knowledge of them would go. I have my own idea—and it is an idea that is shared by every man in the Printing Office and outside who knows anything about my case—that it was brought about

through people whom I befriended all through Mr. Benedict's administrations—who, when they were discharged, I had reinstated; against whose dismissal I had protested, and whom I employed, when it was left with me entirely as to whom I should employ on what is called the extra list during Mr. Benedict's last administration. Through my friendship for them—and not entirely based upon friendship, I am frank to say, but upon their ability and their skill as printers—feeling that they had been unjustly treated when they were discharged, I protested against their discharge. I asked for their reinstatement. I succeeded in having them reinstated during the first administration.

During the last administration I failed to hold them and failed to have them reinstated permanently, but put them on what was called the extra list, and they were held in my division until after the civil-service rules were applied. Through that employment, which I gave them against the protests of people who agreed with me politically, the Civil Service Commission granted the Public Printer permission to restore them to their places in the office. Had it not been for my kindness shown them—on their merits I will say, although they differed with me politically—the door of the Public Printing Office would be as tightly barred against those men as it is against other good men who were turned out by Mr. Benedict. When those men came into my division, I was glad to see them back, because I thought they had been unjustly treated; but they had hardly got in there before they became insubordinate and in every way in their power, aided and abetted by people outside—I will not say by the Public Printer; I do not want it to be understood as saying that the Public Printer was aiding or abetting them in insubordination; but aided and abetted by other people outside of my division in the Printing Office—they attempted to demoralize that division. Of course, I had to enforce the rules, and to enforce them upon those people just as well as I did on every other employee in the division.

The CHAIRMAN. Can you give us the nature and character of the charges preferred against you?

Mr. OYSTER. I judge six or seven weeks before I was dismissed there was a committee appointed to wait upon the Public Printer—a committee of the chapel in my division. I want to state that the chapel meeting was called without the full knowledge of the employees of the division. It was called during the lunch time, when a great many were out at lunch. Many did not know that there was such a meeting. This meeting was held, and probably one-third of the force was present. They adopted a resolution protesting against a rating system, as they called it, that I was keeping in the division; in other words, a system which showed the quality of work of the employees—the compositors—in my division. The chapel appointed a committee of three to wait on the Public Printer and request that that system be abolished.

Messrs. Buckland, Hodes, and Roderick were the three appointed. They all came back under the restoration that I spoke of, by the consent of the Civil Service Commission, and they were all men whom I had befriended through both of Mr. Benedict's administrations. These three gentlemen were appointed as a committee, and they went to the Public Printer. I was not present when they went there. They made their representations to the Public Printer in regard to this quality record, or rating system, as they called it, and asked that it be abolished. Of course, I knew nothing at all as to what they told the Public Printer, except after my conference with the Public Printer the next day. He sent for me, and at 3 o'clock I went down, and in the presence of Captain Brian I had my interview with the Public Printer. I

explained to him fully this merit system, or this quality record of work, that I was keeping. I told him that it was in strict compliance with the Presidential order of President Harrison to keep such a record under the civil service in the Departments.

I had then with me, and I have here now a copy of the order of President Harrison to the Secretary of the Interior, directing him to keep just such a record as I was keeping in my division, showing the quality of the work.

The law controlling the Public Printer in the matter of employment provides that he, the Public Printer, shall employ those thoroughly skilled in their respective branches of industry, as shown by a trial of their skill under his direction. You can not show the skill of a printer by simply showing the amount of work that he does. Quality among printers is just as important, and, in the opinion of a great many people, in which I share, it is even more important than the quantity. Some people who set a very large amount of type do it in such a poor manner that if I were running my own office I would prefer a printer who set considerably less type, but set it in such a manner that after once he had set it up there was no further trouble with it.

As I said, I was keeping this quality record in my division. I had kept it during Mr. Benedict's administration, after the civil-service rules were applied, against the protest of a good many people in the office. They did not want such a record kept. I kept it, I will not say to aid me in keeping faithful, efficient Republicans in the division, although I believed faithful and efficient Republicans should be retained; and I always recommended that and protested against the discharge of any persons for political reasons or personal reasons or for religious reasons. With this record that I kept I appealed to Mr. Benedict frequently for men who differed with me politically, and insisted that they should be retained on their merits and on their record as shown by the record that I kept; and Republicans were promoted on that record in my division during Mr. Benedict's administration. They were promoted on their merits on the record that I kept in my division, and at the end——

The CHAIRMAN. Was the fact stated as a reason for your removal that you had kept such a record?

Mr. OYSTER. One of the reasons stated was that I had failed to obey the Public Printer's instructions to discontinue that system. I would have got to that in a few minutes.

The CHAIRMAN. I want you to get down to the points involved. Now, what was the next charge urged against you?

Mr. OYSTER. This typewritten sheet was unsigned. I had it in my hand only a few minutes. The Public Printer took it out of a drawer of his desk and handed it to me and I glanced it over, and every statement except one was a general statement. The only statement that was specific was a statement that I had failed to obey his instructions to discontinue the quality record that I was keeping.

The CHAIRMAN. That was the only specific statement?

Mr. OYSTER. It was the only specific statement.

The CHAIRMAN. What were the general statements?

Mr. OYSTER. The general statements were that I had demoralized my division by issuing a certain order, which order was to call the attention of the employees in that division to the rules of the office. That the style, as they call it among printers, of printing specifications as agreed upon between the Government Printing Office and the Patent Office must be observed by the proof readers and compositors. There

was general complaint among the compositors that the proof readers were marking the proofs different ways, and each proof reader was putting forward his own idea as to how the specifications ought to be printed or the proof ought to be read, and they were marking contrary to the style laid down in the book which had been furnished each one employed in the division, and which had been agreed upon by the Patent Office after a good deal of controversy. My order was one calling their attention to the fact that that style book and the orders as agreed upon, which had never been rescinded or revoked in anyway by the present Public Printer, must be observed by the proof readers and compositors in setting the type and in reading the proof on specifications.

The CHAIRMAN. Was there an allegation to the effect that you had neglected your duty in any way?

Mr. OYSTER. No, sir; not at all, and, Mr. Chairman, I defy any gentleman to come here, who knows anything about my service in the Government Printing Office in any position at any time and either say that I was negligent or unfaithful or inefficient in the discharge of my duties. On the contrary, I believe that the Foreman of Printing, who has probably fuller knowledge of my experience and my record in that office than anyone else, will testify that there never was a man in that office who rendered more faithful and honest service. I will not say more efficient service, because that might be carrying it a little too far. I would not want to say that I was the most efficient man in the office, but I believe the Foreman of Printing will say that there was no reason whatever for my dismissal on any ground either of inefficiency or of violation of the rules of the office.

The CHAIRMAN. Is your case still pending before the Civil Service Commission?

Mr. OYSTER. Yes, sir.

The CHAIRMAN. Are they still considering the matter?

Mr. OYSTER. It is still in their hands, but nothing has been accomplished. The first charge I spoke of was demoralization, and I have stated what it grew out of. The next charge was about failing to obey the Public Printer's instructions to discontinue the quality record. I received the instructions two or three days after my first conference with him when Captain Brian was present. Captain Brian sent for me, I think, probably two days after, and told me that the Public Printer desired me to discontinue that rating system or that quality record. He had advised me before to abolish it quietly myself and take the wind out of the sails of some people who were assailing me on that point and who would make that a pretext; because that is all that it was, Senator, and every honest man there knows it. It was a pretext to influence the Public Printer and deceive the Public Printer in regard to my administration. But I told Captain Brian that I could not stultify myself; that I had induced Mr. Benedict to permit me to establish and continue that quality record, and that if it was good enough for me to appeal to Mr. Benedict for the retention of faithful and efficient Republicans under the Democratic Administration, it must be good enough for me, so far as I was concerned, to appeal to Mr. Palmer for the retention of faithful and efficient Democrats under the Republican Administration.

The CHAIRMAN. What did you do after you had been notified by the Public Printer to desist?

Mr. OYSTER. I said, "All right, Captain; that settles it; that is the order of the Public Printer, and of course it will be obeyed." Then I gave

orders at once. The next day was within one of the end of what we call a turn-in of two weeks. I said, "Captain, to-morrow is the close of the turn-in, the two weeks. Would you continue the system to-morrow and close up the two weeks?" He said, "Just continue to-morrow, and the next day abolish it." So, at the beginning of the very next turn-in, after a consultation with Captain Brian, I gave instructions to the gentleman in charge of the proof readers not to mark any more proofs. These proofs were rated 1, 2, 3, 4, and 5, according to the quality of the work, as shown on the face of the proofs. I told him to stop that rating. There was not a single proof in that division rated from that time up to the time this statement was made. Not a record was kept, not a scratch of a pen was put upon any of the record books showing that such a record was being kept. And I say here that no such record was kept from the time I was ordered to discontinue it up to the date of my dismissal by the Public Printer. Therefore there was nothing (and I offered to furnish Mr. Palmer the evidence of that by sending to him the foreman of the proof room or any compositor in my division, and the gentleman that he had appointed or promoted to a clerkship, who kept these records) to show that any record had been kept from the time I got that order up to the date of my discharge.

The next statement after that was that I had permitted canvassing in my division in violation of the rules of the office. In reply to that I told Mr. Palmer that no assistant foreman in the Printing Office had the reputation of more rigidly enforcing the rules of the office than I had; that there was general complaint on the part of persons who wanted to get in there and canvass for certain things, and I always told them what was the rule of the office, and if they desired that privilege they must bring me an order from the Public Printer, or the Chief Clerk, or the Foreman of Printing. "But," I said, "Mr. Palmer, that is a general statement. I can not meet it except by a general denial, which I emphatically do right here; but if you would give me a specific case I might be able to meet it entirely." Then Mr. Palmer said, "Well, I understand that Mr. Shimp has canvassed your division in violation of the rules of the office." I said, "Mr. Palmer, I have not seen Mr. Shimp for six months to the best of my knowledge and belief. He has never asked me to canvass my division at any time for anything, and I do not believe that he has canvassed my division without my permission. In other words, I do not think there is any foundation whatever for that statement." I will refer to that later on.

The next statement was that I had shown favoritism in the selection of employees in my division for certain work in the division—that is, that I had selected certain men for work that paid more than the regular 40 cents an hour, and had shown favoritism in that respect. Well, it was a general statement. If there ever was a false statement made against a public official that was a false statement against me. I told Mr. Palmer that my record in the office was such that everybody knew I had thrown aside politics, personal feeling, and every other feeling except the good of the service in making my selections for those preferred stations; that half of the men in that division holding those preferred places were Republicans, and half of them at least (a part of the time more) were Republicans all through Mr. Benedict's administration; that a large majority of those selected when we needed help in those places which paid more—and that men were always glad to get them—that two-thirds at least of the men who were called in temporarily in those positions were Republicans.

Now, I am making no plea of defending Republicans or aiding them

because they were Republicans. I did that because they were the best fitted for the place. I do not mean to say by this that Republicans have all the qualifications and all the brains among the printers, because my experience with printers has been that the brains and the skill are about equally divided between those who belong to the different parties. The fact of it was that the force in my division was about equally divided politically in all other positions as well as in the positions that paid more than the regular scale of wages.

Then I said: "Mr. Palmer, that is a general statement. If you will specify a case where I have shown favoritism, I will be very much obliged to you." I remarked to him that that was a Democratic charge; that I was charged all through the Democratic administration with showing favor to Republicans, which was not true. I was showing favor to them on their merits, which partisans objected to. But he named the man. I asked him to name one case, and he said: "Well, I understand that you have put a Mr. Carter to editing copy, a gentleman who has had no experience on that work." I have no doubt Mr. Palmer believed what he had heard, and that there were others in the division who had had experience and he thought that Mr. Carter's appointment was detrimental to the public service.

When he named Mr. Carter, I said to him: "Mr. Palmer, Mr. Carter is one of the oldest men in the specification room in length of continuous service. He has been in the printing office; I think, more than twenty years." I learned from him afterwards that he had been there twenty-three years. I said: "He is not only one of the most faithful and efficient and accurate men, but one of the most rapid workmen in the division, and when working by piece he earned probably as much wages as any other man in the division. He is away above the average in both the quantity and the quality of his work, and he did his work in such a manner as would have indicated to anybody looking for a person to edit copy as well qualified for that work; that if he could do the work so well himself, as a compositor, he was competent to prepare the copy for other compositors." But this had not been the first time, I told Mr. Palmer, I had put Mr. Carter in this position. When I returned to the office with Mr. Benedict the last time, and one of the copy editors went off on leave of absence for thirty days, I inquired around for a man who would render the best service in the place. I was told by a gentleman there in the division that Mr. Ramsay, a foreman——

The CHAIRMAN. I suggest that you can not state anything which you were told. Please confine yourself to facts. We can get along better with the testimony in that way.

Mr. OYSTER. I thought I was confining myself to facts. I am giving the statement just exactly as I made it to the Public Printer, and that, I take it, is a question of fact.

The CHAIRMAN. Anything you were told about the matter by some one else would not be competent evidence, to say the least of it.

Mr. OYSTER. But I have stated what I knew of Mr. Carter personally; and knowing Mr. Carter as I did, as a faithful, efficient, and competent man, I put him into the position the first time when the copy editor went off, and I think every time that copy editors went off on their leave, and we needed an additional man there or a man to take their place, Mr. Carter was put in.

The CHAIRMAN. You had known him for a long time?

Mr. OYSTER. I had known him and had worked with him, and I knew all about his capacity.

The CHAIRMAN. You had employed him in the same division previous to that time?

Mr. OYSTER. Yes, sir.

The CHAIRMAN. Quite a number of times?

Mr. OYSTER. I think the records will show that I employed him in this position probably two or three times—it may have been four times. I employed him to fill different positions there when men would go off—not only that position, but others. Mr. Carter, it is well known to all the employees of that division, is just what I say, one of the most faithful and efficient and competent men in the division, and I selected him not because of any personal friendship—Mr. Carter and I are not chums—but for the good of the service alone. I believe I selected one of the very best men in the division; and I selected such a man—not a man who was incompetent or had had no experience.

The CHAIRMAN. Were there any other charges?

Mr. OYSTER. No, sir; that was the end. After we got through Mr. Palmer said, "All right;" and I supposed he was satisfied with my explanation and my offer to procure evidence, and that he believed there was no truth whatever in the charges.

In regard to Mr. Shimp's canvassing my division, I will state that when I went back to my office, and finding it was just about half past 4, I asked the assistant foreman, the gentleman who was in charge when I happened to be called off to the Patent Office or to the Printing Office on business, whether Mr. Shimp had been around in the specification division lately. He said, "He was up here to-day between 12 and half past 12 o'clock." He said, "I suppose you know he has been discharged." I replied, "No; I did not know it." He said, "He has been discharged, and he just came back here. He is without money. His wife has a bicycle and he has a bicycle, and he wants to see if he can not dispose of them among the printers by holding a raffle." I said, "He did not make any canvass in this division, did he?" The assistant foreman said, "I think not. He left some tickets with the chairman. He was up during lunch time."

He did not come during work hours, but he was there at lunch time, when everybody could come in and go out, and with those printers who go up from the city post-office. It is in that building. I went to the chairman the next morning. The morning of my dismissal, the 7th of October, I went to Mr. Rodgers, and said, "Have you seen Mr. Shimp?" He said Mr. Shimp had been over there during lunch time the day before and had left him a bundle of tickets to raffle a bicycle. I said, "Have you made any canvass of this division for Mr. Shimp?" He said, "No;" and he reached into his coat and got the tickets out of his pocket, and said, "I did not intend to do anything in the matter until he had had your permission."

The CHAIRMAN. At any rate, there was no canvass made by Mr. Shimp so far as you knew?

Mr. OYSTER. No, sir; there was no canvass made by Mr. Shimp nor by any other persons in my division, in violation of the rules of the office, with my permission. Whether somebody may have sneaked in there and made some canvass, and then made a charge that I was permitting it, is something that I can not tell, but I know, and it is known generally among employees, that there was no division in the printing office where the office rules in that respect were more rigidly enforced than I enforced them in my division.

That is all there was to it. I had no idea that the Public Printer intended to dismiss me, because, as I said to him afterwards, if I had

been on trial before a jury I would have been acquitted by any jury on earth before they left the box on the testimony against me and the evidence I gave.

Then I asked the Public Printer—on the morning of the 9th, I think it was—for a copy of any charges that might have been placed in his hands against me. The Public Printer said that he was under no obligation to give me any statement whatever.

The CHAIRMAN. Was that after he had discharged you?

Mr. OYSTER. It was after the Public Printer had discharged me; but I went to him and wanted to get a copy of any charges, and the evidence in support of them, that there might be against me. I believed that I had that right under the civil-service rules and under the President's order. I did not have any idea that a public officer would dare to dismiss a man from the public service in that way in the face of the law and the President's order and the President's desire, I believe, to retain faithful and efficient employees regardless of their politics, and particularly against the rule to retain soldiers unless there was some good cause for dismissal. I am the youngest of four brothers who served in the Union Army. I do not have to run away from my record in the civil service of the Government or in the military service of the Government. It is an open book, Mr. Chairman. Anybody can find out the companies and the regiments that I served in and the campaigns that my regiment went through when I was with it. I claim no credit. I was only a private soldier; I was only a boy; but I did my duty there as I did it in the civil service, and I felt that I had a right to just and fair and honest treatment, which I did not receive in the matter of my dismissal from the Printing Office by Mr. Palmer.

As I said, the Public Printer has refused persistently to give me a copy of that untruthful typewritten statement that was placed in his hands by men who do not have the manhood or the courage to come forward and stand responsible for it, because they know they will picture themselves as men who have not only violated the moral law, but the law of the Typographical Union and the International Union, and, I believe, the conspiracy laws of the country as well, because there is no doubt in my mind, nor is there any doubt in the minds of others who know the circumstances surrounding it, that these men conspired. The men I have named here to-day conspired with others for the very purpose of trumping up unfounded and untruthful and frivolous charges when they could have no real charges to present against me. And on such charges, without being furnished a copy, without being permitted to furnish the Public Printer with proof of their falsity, I was summarily dismissed from the public service, and it was supposed that I was dismissed for good cause.

This is why, Mr. Chairman, I think I have a right to be heard and a right to demand that my case be investigated not only by the Civil Service Commission, but, if they are powerless, that the President of the United States himself should investigate and see whether or not his order has been complied with, and whether or not a faithful and efficient and honest public officer can be dismissed on trumped-up and anonymous charges without any chance whatever to testify in regard to them, except before one man, who seems, at least, to have been prejudiced in favor of the parties making these charges. That is the whole statement of my case.

Mr. PROCTER. Mr. Oyster, you have stated that no canvassing was made with your consent. Do you know of any being made without your consent?

Mr. OYSTER. I was told that some gentleman was in there and made a little canvass one day to get names for the establishment of a branch post-office somewhere in the city.

Mr. PROCTER. You knew nothing of it at the time?

Mr. OYSTER. I knew nothing of it. It was against the rules of the office, but instead of dismissing me for that the man who did it himself or the watchman who permitted him to come in there during office hours should have been dismissed.

Mr. PROCTER. I should like to ask you one other question. Do you think it possible to know whether a printer is earning what the Government pays him unless you keep an efficiency record based on the quality and quantity of his work?

Mr. OYSTER. No, sir; it is impossible to tell. You can find that a compositor is covering, in the number of ems actually set at the rate of 50 cents a thousand ems, his $3.20 a day, or 6,400 ems; but his work may be done in such a horrible manner, as printers call it, that it would cost $100 more a year to read and revise the proofs of that man than it would of a man who set a first-class proof right through and might not do any more work. In other words, I do not consider that a man who would set 6,400 ems a day, whose work would cost the Government $50 or $75 or $100 more a year to read the proof and revise it, with the dangers of errors, would be earning his wages; and unless you keep this quality record you can not have such a record as is contemplated, in my judgment, by the law, which says that the Public Printer shall employ only those thoroughly skilled after a trial of their skill under his direction. There is probably more skill about the quality of the work than the quantity. Therefore, I say, unless you keep both records it is impossible to tell accurately whether a man is earning his money or not.

Mr. PROCTER. Do you not believe that by keeping such a record in the divisions of the Public Printing Office it would be possible to weed out the inefficient and to get only persons in the Public Printing Office who will earn what the Government pays them?

Mr. OYSTER. Yes, sir.

Mr. PROCTER. And thus reduce the cost of the public printing?

Mr. OYSTER. Yes, sir. I will say that under the records I kept in my division Mr. Benedict weeded out a very large number of printers, and to his credit as a Democratic official the majority of those who went out under that particular system were Democrats, showing that he was doing what he told me he intended to do; that he was putting men in there regardless of their politics or where they came from. Now, I do not want to be misunderstood again on this point. Since people are liable to misrepresent me, I do not want to be understood as saying that Mr. Benedict, before the 27th of September, 1894, did not dismiss faithful and efficient men simply because of their politics.

Mr. PROCTER. That was prior to the time of the classification?

Mr. OYSTER. It was before the classification. It was under the spoils system. He discharged a large number of them, a number of them against my emphatic protest; and after he discharged them I appealed to him to reinstate them; and a large number of them were reinstated, including quite a number of soldiers. He not only did that, but he reinstated men who were dismissed from my division before I became foreman of it. The first discharge was on the 19th of May, 1894. I took charge of the division on the 28th day of May. I found that before I had got there in charge a large number of faithful and efficient employees had been dismissed, including some soldiers. I

appealed, regardless of politics, to the Public Printer for every faithful and efficient employee whom I knew who had been dismissed. He reinstated quite a number of them, on my recommendation practically, among them some soldiers; and he not only reinstated those soldiers, but permitted me to restore them to the preferred positions they held when discharged. I restored them to the places they had occupied before they were dismissed. The particular ex-soldiers I refer to are Mr. Byron A. Ford, as a maker-up, and Mr. F. B. Wallace, as a proof reader; and they were retained in the office all through his administration. They were Republicans and ex-soldiers, but faithful and efficient men.

TESTIMONY OF ALBERT E. SARDO.

ALBERT E. SARDO, having been duly sworn, testified as follows:

The CHAIRMAN. I understand that Mr. Procter desires to ask you some questions in respect to your discharge from the Government Printing Office.

Mr. PROCTER. Mr. Sardo, I will ask what has been your experience as a printer, in brief?

Mr. SARDO. I went to work at the case, setting type, when I was 10 years old. When I was about 14 I went to the press room to learn the press business. I worked in the Congressional Globe office on the debates of Congress for several years, and I have been in the Government Printing Office for twenty-three years altogether. I was out during Mr. Palmer's last administration.

Mr. PROCTER. What positions have you held in the Government Printing Office lately?

Mr. SARDO. I was superintendent of the press room under Mr. Benedict's first and last administrations.

Mr. PROCTER. You have had opportunities, then, for seeing the Printing Office under both systems, prior to the classification and since. I should like to ask what your experience has been as to the effect of the classification on the Printing Office; whether it has improved it or not.

Mr. SARDO. I think it has decidedly improved it, for this reason, if for no other: Those people whom we have got through the civil service that did not prove efficient we turned back.

Mr. PROCTER. Do you mean that you turned them back or turned them out?

Mr. SARDO. We turned them out. With the exception of three or four, perhaps, out of a dozen or more—I have not the exact number—some of the best men we ever had in the service we got through the civil service.

Mr. PROCTER. Did you have any trouble in turning out inefficient men under the old system?

Mr. SARDO. You could not always turn them out.

Mr. PROCTER. Why?

Mr. SARDO. Because of their influence. If you turned them out they would probably get back again.

Mr. PROCTER. Does not that have a tendency to demoralize the office?

Mr. SARDO. Unquestionably. You can not do much with a man who has got good backing and knows that if you dismiss him he can get back again.

Mr. PROCTER. Do you think that a rigid application of the civil-

service rules to the office, and faithfully executed, would increase the efficiency and decrease the cost of the public printing?

Mr. SARDO. Yes, sir.

Mr. PROCTER. Do you care to say anything about your own separation from the office?

Mr. SARDO. Well, I do not know what to say in regard to it. I was reduced in pay at first, on the entrance of Mr. Palmer. Then I was reduced in rank, and I resigned. I gave my reasons to Mr. Palmer for resigning.

Mr. PROCTER. Why did you resign?

Mr. SARDO. Because I would not accept a reduced position. I knew of no reason for being reduced.

Mr. PROCTER. Do you know whether the skilled people in the Printing Office were consulted by the Civil Service Commission as to the kinds of examinations that should be held in filling positions in the office?

Mr. SARDO. Yes, sir. I think we formulated a plan for the Civil Service Commission. We formulated an examination to be taken by the pressmen before entering the service. I was one of that committee.

Mr. PROCTER. Do you consider that it met the requirements, that it was a practical examination?

Mr. SARDO. It met the scholastic test and we gave them a practical examination in the office on their entering.

Mr. PROCTER. As a result of that you got satisfactory men?

Mr. SARDO. We got satisfactory men. I think on two or three occasions we had men there who did not fill the requirements, and we dismissed them.

Mr. PROCTOR. There was no pressure to keep you from dismissing them?

Mr. SARDO. None whatever, sir. In fact, before the civil service was applied to the office it was Mr. Benedict's orders to me that no man who was not efficient and fully skilled for the position he held should be retained in the office. I believe we carried that out all through my administration there, before and after the application of the civil service.

Mr. PROCTER. You have been twenty-three years in the Printing Office. Do you think the Printing Office after the classification did as much work with the force employed as before?

Mr. SARDO. Yes, sir; I think the records will show that.

Mr. PROCTER. Has it done more work?

Mr. SARDO. I will not say that it has done more work than any time during Mr. Benedict's administration. I think from 1865 and 1866 and 1867 up to the time that Mr. Benedict went out the records will show that there was about 25 per cent more work done there.

Mr. PROCTER. Was there not a decreased force?

Mr. SARDO. Yes, sir; two or three hundred, I reckon, in the whole building. In my room I do not just know what the number was. I have not the records here, and I could not tell you, but there was quite a reduction.

Mr. PROCTER. Is it true that under the old system a great many pressmen were brought here whom it took some months to teach their duties, or who were not acquainted with the work?

Mr. SARDO. We had very many cases of that kind.

The CHAIRMAN. At the date the Government Printing Office was included in the classified service do you know how many Republicans were employed there?

Mr. SARDO. I could not tell you, sir.

The CHAIRMAN. Is it not a fact that almost all the Republicans had been discharged from the Government Printing Office before it was decided to put it in the classified service?

Mr. SARDO. In the press room?

The CHAIRMAN. In the Government Printing Office?

Mr. SARDO. That I do not know, sir. I am not able to state anything about the different divisions. I think in my room there were quite a number of Republicans. I could not tell you how many; I suppose a dozen or more.

The CHAIRMAN. How many were employed in your room?

Mr. SARDO. About 50.

The CHAIRMAN. Out of 50 you had a dozen or more Republicans?

Mr. SARDO. Yes, sir. I should like to state right here, however, before closing that answer, that we have always had more Democrats in the press room than Republicans, through all administrations.

The CHAIRMAN. Who was Mr. Benedict's clerk during the last administration?

Mr SARDO. Mr. Baker.

The CHAIRMAN. Have you ever seen the book, the record of dismissals, kept by Mr. Albert Baker?

Mr. SARDO. No, sir.

The CHAIRMAN. You do not know of it?

Mr. SARDO. I do not know anything about that.

Mr. CHAIRMAN. You do not know as to the statements contained in that record?

Mr. SARDO. No, sir.

The CHAIRMAN. Do you know where Mr. Baker is employed now?

Mr. SARDO. I have heard that he is in the Civil Service Commission.

The CHAIRMAN. He was the headsman for Mr. Benedict, was he not? He was the man who decapitated the Republicans under Mr. Benedict during his administration?

Mr. SARDO. It is the first time I ever heard of that.

The CHAIRMAN. You never heard of that?

Mr. SARDO. No, sir.

The CHAIRMAN. Do you not know that he was the man who manipulated all the removals of Republicans down there during Mr. Benedict's administration?

Mr. SARDO. I can hardly believe that, knowing Mr. Benedict as well as I do. I think Mr. Benedict was Public Printer there.

Mr. PROCTER. Was not Mr. Baker simply the clerk of Mr. Benedict, who kept the books?

Mr. SARDO. I guess that was all.

The CHAIRMAN. You say you never have seen the record that Mr. Baker kept?

Mr. SARDO. No, sir.

The CHAIRMAN. You do not know anything about that record?

Mr. SARDO. I do not know anything about it. I do not believe, however, that Mr. Benedict would permit Mr. Baker or any head of a division there or anyone in authority to dismiss anybody without his consent and knowledge, and for reasons.

The CHAIRMAN. You do not know that he removed men down there simply because they were married men?

Mr. SARDO. No, sir.

The CHAIRMAN. And because they were Republicans?

Mr. SARDO. No, sir.

The CHAIRMAN. You do not know that?

Mr. SARDO. I will tell you what I do know in regard to it. Mr. Baker recommended to me to retain and promote—and I did, because he was a very efficient man—retain and promote to an assistant a Republican in the press room.

The CHAIRMAN. I believe you stated that you never saw this book or record?

Mr. SARDO. No, sir; I did not. I never had anything to do with the clerical work there.

Mr. BAKER. I wish to ask Mr. Sardo if Congressional influence is less in the Government Printing Office since its classification than it was before? Is Congressional influence absolutely done away with in the Government Printing Office?

Mr. SARDO. That I do not know, sir; I am not able to answer that question.

Mr. BAKER. That is all, Mr. Chairman; only, I wish to suggest that if this class of witnesses is to be called before your committee I should like to suggest some witnesses who have opinions different from those entertained by this gentleman.

The CHAIRMAN. We have already had a number of witnesses before the committee who have expressed different views in regard to the matter. I want to close the investigation as soon as I can.

CIVIL SERVICE COMMISSION.

TESTIMONY OF A. R. SERVEN, CHIEF EXAMINER.

A. R. SERVEN, chief examiner of the Civil Service Commission, having been duly sworn, testified as follows:

The CHAIRMAN. Mr. Serven, what position do you occupy?

Mr. SERVEN. I am chief examiner of the Civil Service Commission.

The CHAIRMAN. Mr. Procter, do you desire to conduct the examination in chief of Mr. Serven?

Mr. PROCTER. No.

The CHAIRMAN. Mr. Serven, we shall be glad to hear any statement you may have to make with respect to the examinations which you conduct under the Civil Service Commission.

Mr. SERVEN. Mr. Chairman, I am glad to have the opportunity to state that from my experience as chief examiner of the commission I know that the commission in every possible way, with its force of examiners and with continual consultation with the different Departments, endeavors to have all of the questions used in the different kinds of examinations made to apply as nearly as they can to the actual qualifications required for the work to be performed in any particular position. If one-tenth of the stories in circulation as to the questions that are asked in civil service examinations were true, I think the chief examiner and all of his 25 or 35 assistant examiners ought to be occupants of St. Elizabeth's instead of being allowed to go free. Of course, I think it is well known that most of those things are told largely in jest, but as they are repeated gradually people get to believe them. It is the constant practice of the commission to consult very fully with the different Departments in preparing the examinations, and when any special examination is required almost invariably the Department

interested is asked to designate someone who may assist the commission's examiner in preparing and formulating the subjects to be included in the examinations and the questions to be asked under each subject. In that way the commission endeavors to make the examinations comply with the requirements of the law, which provides that they shall be as practical and as nearly related to the duties to be performed as possible.

Mr. PROCTER. Is it the practice to get the Departments to formulate questions except in the highly technical branches?

Mr. SERVEN. Those are the only ones. For the ordinary examinations the board of examiners, which is composed as I have said of from 25 to 35 different people, are supposed—after consultation with the Departments—to obtain sufficient information to prepare the ordinary questions. For examinations which are designed to bring out some peculiar, some extraordinary qualifications, it is always the practice, however, to ask the Department interested to designate someone who may assist in the preparation of questions.

The CHAIRMAN. Are the questions involving scholastic tests submitted by the Departments?

Mr. SERVEN. Usually not. Usually the Departments advise the commission of the scope of the scholastic attainments they desire their people to have who come in through the examinations, and then the commission prepares questions to cover the scope that the Departments suggest.

The CHAIRMAN. What is the nature of the questions usually submitted by the Departments?

Mr. SERVEN. I have a number of sample questions here. I will state that copies of the questions used in every kind of examination held between the 1st of January, 1897, and the 1st of December, 1897, were furnished to the sub-Committee on Appropriations of the House during the hearings on the civil-service appropriation, and the committee were requested, if they thought it proper, to have those questions printed in the report of the hearings; but they were not printed, and they are still in the possession of that committee. However, I have here a part of the copy which we are just preparing for our book of instructions to those who contemplate taking civil-service examinations, in which many of those same questions which were furnished to the House committee are used as specimen questions to indicate the character and scope.

The CHAIRMAN. Please give us the character of questions submitted to a skilled laborer?

Mr. SERVEN. If a skilled laborer is not to be employed for the prosecution of some particular trade, or for some special purpose, he is usually given a very light educational examination, comprising twenty words in common everyday use of less than average difficulty, the words confined to not more than three syllables and very many of them words of one or two syllables in ordinary use. Then they are given five examples in arithmetic, the scope of arithmetic being confined to the addition, subtraction, multiplication, and division of whole numbers, and of United States money, with no fractions of any kind except in the addition, subtraction, multiplication, and division of United States money. It does not go into percentage or the use of decimals or anything of that kind, except just the most elementary knowledge of the denominations of money. Then a short letter of not less than 100 words is required on some common subject that is suggested, on which anyone

can write, simply to see whether the applicant has a knowledge of the English language sufficient to use it in the ordinary work that he may be called upon to do.

The CHAIRMAN. Is he required to answer questions with respect to the duties which he may be called upon to perform?

Mr. SERVEN. If it is a position where the commission or the Departments can determine what line of duty he will be set at, he is given practical questions relating to those duties, and the weight of those questions usually amounts to three-quarters of the whole examination. Seventy-five per cent of the whole examination depends on his answers to those questions. If a Department says, before his examination, that experience in performing any kind of work will assist as an element in determining his usefulness, the subject of experience is included, and he has to submit to the commission his whole industrial history, I think we can call it—what kind of work he has ever done—and it is very carefully considered. Usually his experience is considered as about one-fourth of the whole examination.

The CHAIRMAN. He is graded one-fourth on experience?

Mr. SERVEN. Yes, sir; where the Department thinks experience is of value in determining his value; but in the places—and there are quite a number—where the Departments can not give any specified duties, but expect him to be just simply a handy man who can be set at ordinary common work requiring some education, we give him the short educational examination just to get at his degree of general ability and adaptability for doing ordinary work of a not specially difficult character.

There is one thing in the educational examination for the skilled laborers which is considered as a very excellent test. It is simply copying in the competitor's handwriting about half a dozen lines of printed matter; possibly there might be from fifty to seventy-five words. He is told to make an exact written copy of it. The purpose of the test is to see how closely he can follow instructions. The result of that particular test has been very gratifying to the Department officials. Many of them have spoken to me about it, and have said it was a most excellent test. It is simply the test of seeing how closely he can follow instructions.

The CHAIRMAN. Can you give me the character of questions submitted to clerk copyists?

Mr. SERVEN. Yes, sir; I have a sample set of those questions. If you care to take the time, I think it will not take over a couple of minutes to read them.

The CHAIRMAN. Just give a statement of the character of those questions.

Mr. SERVEN. The clerk copyist is given twenty words to spell of something more than average difficulty, not especially more, but slightly more than the average difficulty. He is given five examples in arithmetic, which take up the addition, subtraction, multiplication, and division of whole numbers and fractions, both common and decimal. Then he may be given questions which involve a knowledge of interest and discount. Usually, in some of those questions—either the use of the fractions or in interest and discount—the example is stated in a concrete way, so that the applicant will have to use some little power of analysis in determining how he should do the work. The arithmetic is supposed to be of such a scope and character as would indicate whether the man is competent to do such ordinary business as is liable to arise in the experience of anyone who is engaged

in any sort of active business, such as keeping a small store, or a bookkeeper for a small establishment, or something of that kind. There is nothing in the educational requirements for that examination for which the applicant needs to have anything beyond the common school. About the eighth grade of the ordinary common school will cover everything and equip him fully to successfully take that examination.

Mr. PROCTER. Can you turn to the percentage of people who pass the clerk-copyist examinations?

Mr. SERVEN. Of the three kinds of examinations which consist of educational tests only (we have them of three grades) the clerk-copyist is the most difficult. Then there is a second grade, which does not go into interest and discount and arithmetic, but is substantially the same in other respects. Then there is the third grade, which is the skilled laborer's examination, which just takes up the addition, subtraction, and multiplication of whole numbers and of United States money. For those examinations there is an average probably of those who take them successfully of something like 70 per cent. For those who take the second educational examination there are usually some other qualifications of a technical character; for instance, that examination is used for post-office clerks and letter carriers and for railway mail clerks. They have in addition to the educational part a set of questions on the geography of the United States, questions such as anyone who is interested to any extent in the country ought to be able to answer.

I am not especially brilliant in geography, and never was when I was in school, but yet I have never seen a set of those questions (and since I have been there I have probably seen 100 different sets) where I discovered any difficulty with more than one or two questions. They are usually the capitals of States, or prominent rivers, or the States which border prominent rivers, or some questions of that sort, or else questions relating to States in which prominent cities are located.

Mr. PROCTER. In the Railway Mail Service the examination is more on the railway junctions and lines, is it not?

Mr. SERVEN. Yes, sir; that is, the technical part. That is added to the educational test.

The CHAIRMAN. Those questions were submitted to the railway mail clerks before the enactment of the civil service law, were they not?

Mr. SERVEN. As to that I can not say. I can not say as to whether the Department ever examined all of them or not, but I am sure that there were many who could not have passed such an examination if they had been submitted to it.

Mr. PROCTER. Therefore they were not submitted to it?

Mr. SERVEN. From my personal knowledge of several railway mail clerks I should say not. They have an examination in their service after they get in, and many of their weak ones were weeded out in that way.

The CHAIRMAN. Were they not all weeded out in that way?

Mr. SERVEN. Probably most of them were.

The CHAIRMAN. I ask you if they were not put in on probation, just as you put a man in now.

Mr. SERVEN. Yes, sir; I think they were. In fact, I think that has been their custom for a number of years.

The CHAIRMAN. That is the way I remember it, having had some experience in the matter.

Mr. SERVEN. Yet, even then, I have been informed some were retained; and I have personal knowledge of one case where a man was absolutely unable to pass our easiest educational examination who was

in the Railway Mail Service for some seven or eight years and retained his position in some way. I do not know how he did it.

The CHAIRMAN. He was kept there, though?

Mr. SERVEN. He was kept there. I suppose, probably, his backing was sufficient to keep him there.

The CHAIRMAN. I ask if his experience did not also disclose the fact that he was an efficient clerk?

Mr. SERVEN. I do not know how that may be. I know he had trouble with our examinations. He was not able to pass them.

The CHAIRMAN. I ask you if the trouble he had was not with the scholastic test.

Mr. SERVEN. No, sir; not very much. I think his trouble was probably because he did not have sufficient strength of mind to carry those things. I think the way they kept him in the service was that instead of putting him in as full clerk they found other work. They had tried him as a full clerk, and I think he tried that for some time, and at other times I think they used him as a sort of porter, as a man to carry around mail and do that sort of thing instead of handling the mail itself and distributing it in the cars.

In the skilled laborer's examination, the easiest educational examination, probably 80 per cent of those who take that examination pass it. In the examinations requiring some special qualifications, such, for instance, as assistant patent examiners, or weather observers, or teachers in the Indian schools, or any sort of scientific or professional qualifications, the average of those who pass the examinations is usually very much less than 50 per cent. I find here that for the whole time the civil service has been in existence, since 1883 up to June 30, 1897, the total per cent of failures in all kinds of examinations was less than 40 per cent, showing that over 60 per cent passed, including the most difficult as well as the easiest. In the great bulk of the examinations it is safe to say that two out of every three pass them. It is only in the most difficult, the most technical, that they do not.

The CHAIRMAN. Are you able to state what per cent of those who did pass secured appointments?

Mr. SERVEN. Yes, sir. Of the 60.4 per cent who passed the records show that some 28 per cent have been appointed—a little over one-fourth.

The CHAIRMAN. What is the condition of the work in the Civil Service Commission now? Are you up with your work, or how many papers have you unmarked?

Mr. SERVEN. No, sir; I think at the close of business Saturday night we had something like 10,000 sets of papers to be marked.

The CHAIRMAN. How many have you that are already marked?

Mr. SERVEN. During the ten months from February to December we examined over 52,000 people, and about the 1st of February we had on hand then unmarked probably something like 13,000 or 14,000 sets. So that would be something like 65,000 sets, and we have less than 10,000 sets now on hand unmarked.

The CHAIRMAN. Can you state how many places were brought into the classified service May 6, 1896?

Mr. SERVEN. Yes, sir; I think I can in just a moment. I will state that the book I have here was prepared in answer to the requests of the House Appropriations Committee this year for the civil-service hearings. That information is contained here.

The CHAIRMAN. I have seen various estimates. Some place it at 45,000 and some at 30,000.

Mr. SERVEN. I think it was a little in excess of 30,000.

Mr. BAILEY. Thirty-six thousand.

Mr. SERVEN. It is something above 30,000, I am sure. The exact figures are given here somewhere.

The CHAIRMAN. I should think you could find that in your annual report.

Mr. SERVEN. Yes, sir. The total included in the classified service under President Cleveland's second term by Executive order was 41,768.

Mr. PROCTER. How many of those were classified under the order of May 6?

Mr. SERVEN. I was just trying to locate that. Thirty-one thousand three hundred and seventy-two the figures here show.

The CHAIRMAN. At what date were the other places included?

Mr. SERVEN. May 24, 1895, there were 787 in the Department of Agriculture; July 25, 1894, there were 2 in the Department of the Interior; November 2 and December 3, 1894, there were 43 under the Post-Office Department; November 2, 1894, the messengers and watchmen in all the Departments were included, amounting to 868.

The CHAIRMAN. There has been some controversy about the date of that order. Do you know anything about it?

Mr. SERVEN. Yes, sir; I think I do. I arrived in the city on the morning of the 7th of May from Elmira, where I was stationed at the time that order was issued. I bought a copy of the Washington Post at Baltimore that morning on the sleeper, and I found the order there, with about a page on the matter, as I recall it, giving most of the order, and then a discussion as to what it covered.

The CHAIRMAN. That was the order issued in 1896?

Mr. SERVEN. On the 6th of May, 1896.

The CHAIRMAN. I am asking about the order issued November 2, 1894.

Mr. SERVEN. It was the 2d of November, 1894, when messengers and watchmen were brought in. Thirty-one thousand three hundred and seventy-two were covered by the order of May 6, 1896, which was the last inclusion by President Cleveland. That included the Engineer service and the ordnance service. I think in those services there were something like between six and seven thousand places, and also a large number of scientific places in all the different Departments. I have been trying the last day or two to get an idea of how many of those places there were that were not considered as places that were subject especially to political influence in making appointments prior to the date of that order, and as near as I can get it there seem to have been in that particular order something like perhaps 10,000 to 12,000. What I was trying to do was to get at how many nonpolitical places were included in the last Administration, places that were considered nonpolitical, and as near as I can get it there seem to be about 16,000, including all the scientific places of different character that were brought in.

Mr. PROCTER. Where do you place the navy-yard force there? That was counted in the order of May 6, 1896, was it not?

Mr. SERVEN. Yes, sir; but the May 6 order simply continues the order of Secretary Tracy of 1891.

The CHAIRMAN. Were the 31,000 included in the figures you gave?

Mr. SERVEN. Yes, sir; I think those were included in the 31,000. I am not sure about that.

The CHAIRMAN. They were included?

Mr. SERVEN. I think they were, for the reason that this table gives the

total included by President Cleveland during his last term and puts the navy-yard force under the order of May 6.

The CHAIRMAN. What preparation had been made at that date for the classification of the different Departments?

Mr. SERVEN. I understand that the commission, and Major Webster, who was chief examiner prior to my term, were engaged in the preliminary work for the extension for something like a year and a half, and possibly it had been discussed considerably more.

The CHAIRMAN. What was the character of the preliminary work in which they had been engaged?

Mr. SERVEN. Largely in preparing rules which would be adapted as well as they might be to the different varieties of service that were to be brought in, in order not to hamper the service.

The CHAIRMAN. How many names did you have at that time on the eligible list for the places that were included?

Mr. SERVEN. There were probably quite a good many of them, as in those extensions there were quite a number of clerical places, stenographers and typewriters, some draftsmen and similar positions; but of course for the special, the technical positions—for instance, as inspectors in the steamboat-inspection service, inspectors of hulls and inspectors of boilers, and special places of that kind—no examinations had been held.

The CHAIRMAN. So you were at that date practically without a list so far as those places were concerned?

Mr. SERVEN. Yes, sir; we had no list at all for places of that character.

The CHAIRMAN. Why was it that the commission undertook to handle 31,000 places without preparation as to lists, etc.? Do you not think that was an impracticable thing to do at that time?

Mr. SERVEN. I understand what the commission expected to do originally was to provide some sort of a plan for taking up each service by itself, and as soon as they could arrange with that Department for examinations to hold the examinations for that particular service, and then go on from that service to another.

The CHAIRMAN. I ask you if it is not a fact that in the original rules, prepared May 6, there was a proviso to the effect that no Department should be included in the classified service until such date as the commission were able to furnish a list?

Mr. SERVEN. No, sir; I do not think there was anything of that kind in the rules. I have never seen anything of that kind.

The CHAIRMAN. Was there any proviso by which the matter was not to go into effect until there was a list?

Mr. SERVEN. The only proviso was, under the law itself, that the classification would not be complete until it was made by the head of the Department. Of course, the order of May 6 did not classify anybody. It simply instructed the heads of Departments in a general way to proceed with their classification, and then I understand there was a specific instruction from the President to each of the heads of Departments as to the making up of their lists. The classification did not become complete until it was actually reported to the commission over the signature of the head of each Department, and some of those were as late, I believe, as December. I think the latest was December, 1896.

The CHAIRMAN. Were you present when a rough draft of the rules was made, before the rules were promulgated?

Mr. SERVEN. No, sir; the rules were promulgated before I had anything to do with the Civil Service Commission. Major Webster died in March, 1896, and I was appointed in June. The 1st of June my

name was sent to the Senate, and I was confirmed on the 6th. I was not present at the time you refer to.

The CHAIRMAN. You were not employed by the commission at that time?

Mr. SERVEN. No, sir.

The CHAIRMAN. How many clerks are employed by the commission now?

Mr. SERVEN. The total number of people there, including the different clerks and messengers, watchmen, firemen, and all kinds, exclusive of the three Commissioners and the secretary and chief examiner, is 57. Including those 5 officers, there are 62 on the force of the commission. Then there are on detail at this time from other Departments probably somewhere between 40 and 45.

The CHAIRMAN. Making in all a total of how many?

Mr. SERVEN. A total of something like 100 or 110, probably a little over 100.

The CHAIRMAN. Do you think that the force you have now is adequate to do the work?

Mr. SERVEN. I think if the commission could select its details probably as much work could be done as is done now, with a reduction of, say, 20 to 25 in the number of details. But, unfortunately, we have to depend upon those whom the Department send, and their clerks are not always the best adapted to the kind of work we have to do. So we have to make the most we can of them, and it is not always the most profitable use we can make of them.

The CHAIRMAN. So you have a number of men working in the Civil Service Commission who are incompetent in that position?

Mr. SERVEN. They are incompetent in this way: They are not competent to do the kind of work we would like to have them do.

The CHAIRMAN. Do you say that for the kind of work assigned to them they are inefficient?

Mr. SERVEN. We assign to them work that they can do, but it delays the work we would like to have them do if they could. That is the difficulty.

Mr. PROCTER. A man may be very efficient, but, being new in the work and detailed there for only a short time, he is not as efficient as if he were on the permanent force.

Mr. SERVEN. No. Unfortunately, it has been our experience with a number of the people who have been sent to assist us as examiners that we just fairly get them broken in and fully acquainted with our rules for marking, which is a fixed system of rules, and as soon as they get well acquainted with them something will come up for which they will want them in the Department and the Department recalls them.

The CHAIRMAN. I do not believe you gave me awhile ago the number of eligibles on the list May 6. I should like to get the exact number.

Mr. SERVEN. I do not know that I can give you just the exact number.

The CHAIRMAN. I hope you will come as near to it as you can.

Mr. SERVEN. I will try to make an estimate as near as I can do it.

Mr. PROCTER. We can give you that, Mr. Chairman, from the records of the commission.

The CHAIRMAN. I would like to have that information.

Mr. SERVEN. We will give that.

The CHAIRMAN. Can you state how many temporary appointments have been made in the different Departments since May 6, 1896?

Mr. SERVEN. I should judge that there had been a great many. For instance, in the Treasury Department there have been a large number, and especially in two services—the Light-House Service and the Custodian's Service.

The CHAIRMAN. Why were those temporary appointments made?

Mr. SERVEN. Principally in the Light-House Service for the reason that we have been able to agree with them on a basis of examinations only within the last three months. From December, 1896, up to within the last three months very many vacancies occurred in their force of keepers and assistant keepers of light-houses, and on account of their not getting an examination formulated that would be satisfactory to them, and not taking up the matter promptly, we have been unable to hold examinations, because the commission does not think it wise to attempt to hold examinations other than in accordance with the general ideas of the Departments. They think the Department officers ought to know what qualifications they want, and until they advise us we have not been able to fix examinations for them. Then in the Custodian's Service——

The CHAIRMAN. You have not been able to fix the examinations because these people have refused or neglected to cooperate with the commission?

Mr. SERVEN. They have delayed to let us know what qualifications they wanted. That has been our trouble there. Probably there have been 500 temporary appointments in that service.

The CHAIRMAN. How many temporary appointments have been made in the custodians' service?

Mr. SERVEN. In the custodians' service the plan of the Department is a little different from that. They have asked us to make certifications of people only in the immediate vicinity where they expect to employ them. They said that they would notify us when they would want people, and asked us not to hold examinations until they notified us, and then hold special examinations. Of course that has resulted very many times in temporary appointments being made, and made before we knew anything about their wanting any examination held. As soon as they would notify us we would make arrangements to hold an examination, in thirty or forty days usually, certainly as soon as we could. I should think that probably from 150 to 200 temporary appointments have been made there.

The CHAIRMAN. How as to other branches of the Treasury Department?

Mr. SERVEN. Probably in other branches in the classified service there have not been any more temporary appointments than would ordinarily be expected under almost any circumstances, for the reason that the general supply of eligibles has been exceedingly good during the past year, and we have been able to furnish almost anything if they gave us a chance to do so. Of course the rules provide for certain temporary appointments of two kinds. One is an emergency appointment, which the rules always provide for. The appointment officer may at any time make an emergency appointment, and many of those have been made for some special work for some man to do, which would be finished in a short time. Then, as to the other form of temporary appointment, the rules provide for making temporary appointments not to exceed six months from the eligible registers, and more or less of that character of appointments have been made. The emergency appointments are usually made only for a few days, usually not to exceed thirty days. Sometimes they have been extended where

a man was engaged on some particular work that no one else could finish very well. In regard to those there have been quite a number of temporary appointments, but I think the demands of the service would require probably quite a number of those temporary appointments at any time.

The CHAIRMAN. I ask you if it is not a fact that until within the last six months the commission have been unable to furnish a list, owing to the fact that they were not able to handle and mark the papers?

Mr. SERVEN. I should say in answer to that, Mr. Chairman, that the commission during the past year has always marked up, first, the papers of applicants for examination where the Departments were calling for such eligibles, and that a call has not been made at any time for any particular variety of eligibles, which the commission has found comparatively easy to get, that the examination has not been held and the eligibles have not been furnished to them in almost all offices inside of the ninety days which the rules give them for such temporary appointments.

The CHAIRMAN. You spoke of having some men in the employment of the commission who are not efficient. How many men have you of that class?

Mr. SERVEN. Well, I should say that all of them that we have there are efficient in their particular kind of work.

The CHAIRMAN. But I mean those who are not able to do the work of marking the papers.

Mr. SERVEN. As far as our work is concerned, I should judge, if we could select our own people, people with the qualification we desire, probably we could dispense with profit with 20 of the detailed clerks who are now there, possibly more than that number. I should think that 20, on a very fair estimate, could be dispensed with.

The CHAIRMAN. How should those men be selected, in your opinion?

Mr. SERVEN. I think they should be selected from some sort of a test which would show that they do possess the qualifications that we need. As it is now, we usually tell the Department what we need and ask them to do the best they can for us. For instance, there have been cases where we have asked for stenographers and typewriters—for one or two, possibly—when we would not get any, but they would send us somebody else and tell us that possibly we could use the one they sent us in some other way and let some of our people do the particular kind of work in stenography and typewriting that we wanted done. If we could have selected a stenographer and typewriter at such times, it would have been much more economical for us, for our own people were loaded up with work before we asked for anyone else.

The CHAIRMAN. Is there a law which authorizes the commission to select their own employees?

Mr. SERVEN. Yes, sir; up to the number of 57, that I spoke of, there is. The appropriation provides for that number and the commission does select those, but that is all.

The CHAIRMAN. Where do you get authority for taking men from the different Departments to work in the commission?

Mr. SERVEN. The general authority is in the civil-service act authorizing the commission to call on the different Departments for the services of employees in the Departments as examiners. Under that general authority the Departments have always been very kind about it, and they have helped us out, I suppose, just as well as they could. They apparently have tried to do so without embarrassing themselves.

The CHAIRMAN. Is it a fact that the Departments have detailed

their most inefficient men to the work of the commission when the commission has sent to a Department for a detail?

Mr. SERVEN. I do not think that statement would be just, probably, in the majority of cases. In several of the Departments I think they try to get as near as they can to what we need, but occasionally we have had the experience that they have sent down clerks whom, apparently, they never have considered to be very efficient, and who have not developed much efficiency in our work. During the past year we therefore have sent back at different times something like fifty different people who have been sent to us by the Departments, because we found we could dispense with the kind of work that they could do.

The CHAIRMAN. How many local boards of examination do you have in the country?

Mr. SERVEN. In the entire country there are something like between 750 and 800—about 800, I should say.

The CHAIRMAN. Is the rule in regard to each State having its quota observed in all the Departments here in Washington?

Mr. SERVEN. As far as certifications from the Civil Service Commission are concerned, for original appointments, that rule is observed as near as the commission can see how it can be observed. Occasionally there are requirements for some peculiar qualifications where the commission has to take eligibles where it can get them, and it certifies regardless of the State they come from, because it usually has not eligibles from the State that would be in order for certification. But that is only on account of the peculiar qualifications required.

Mr. PROCTER. But the charge is made to the State?

Mr. SERVEN. Oh, yes; it is charged to the State, and of course the State does not get certification later on.

The CHAIRMAN. Is that rule observed in regard to the Government Printing Office?

Mr. SERVEN. In regard to the Government Printing Office I believe it is not. The last Public Printer, I believe, arranged with the commission that as far as could be done they would try to apportion the compositors. But the civil-service rules except the Government Printing Office, and also certain positions in the Bureau of Engraving and Printing. It has simply been an amicable arrangement between the Government Printing Office and the commission as to the right to distribute compositor positions.

The CHAIRMAN. Before the order of May 6, 1896, when the blanket was thrown over the different Departments, did the commission endeavor to ascertain the number to which each State would be entitled according to its quota?

Mr. SERVEN. I should say that at all times the commission knows just exactly what the quota of each State is in original appointments. Of course as to reinstatements, until very recently, the commission has never attempted to keep any record of them, and they have not been charged to the States, nor any transfers from the outside service to the Departments in Washington. The Departments have asked for such transfers, and of course when they are made it may be a transfer from some State that has already more than its quota.

The CHAIRMAN. Your answer is not a response to my question.

Mr. SERVEN. I beg pardon.

The CHAIRMAN. I desire to know if the commission made any effort at the time to ascertain whether each State had its quota in the different Departments, and the number of places to which each State

would be entitled, that were about to be included in the classified service?

Mr. SERVEN. No, sir; I do not think it did. I do not think the commission has ever gone into the question as to how the positions already filled in the Departments were divided. It is simply in regard to the new appointments that the commission has endeavored to distribute them as far as it could.

The CHAIRMAN. So you pay no attention whatever to the condition of the Departments before the commission took charge?

Mr. SERVEN. No, sir; I do not think the commission has ever attempted to give any attention to that. Of course we have the list by States since classification.

The CHAIRMAN. The estimate that you speak of is based on the appointments made since May 6, 1896?

Mr. SERVEN. Those made since each service was classified.

The CHAIRMAN. That is what I mean. I am speaking with respect to the order of May 6 more particularly.

Mr. SERVEN. Many of the positions under the order of May 6 are located outside of Washington, and of course all those appointments are expected to be made by certification from those in the immediate vicinity, as a district or a State. Sometimes two or three States are considered in a district; and in most of them the certifications are made from the particular district when a vacancy exists, but for the departmental service at Washington the commission has endeavored to distribute those appointments under the law.

The CHAIRMAN. Is preference given to any individuals in the certification of parties for appointment?

Mr. SERVEN. Yes, sir; under the rules the soldier or sailor who has been discharged for disability incurred in the line of duty is placed at the top of the register for certification, provided he gets 65 per cent in the examination, while all others have to get 70 per cent to be on the register at all, and they are placed in the order of their standing. If there are more than one of those soldiers discharged for disability who get above 65, the one who gets the highest percentage is placed at the top; the next such soldier comes next, and so on. When certifications are made from the register on which one of those soldiers is named he is always certified first.

The CHAIRMAN. Is there any rule or order by which ladies are discriminated against in making appointments in the Departments?

Mr. SERVEN. I do not know that it would be called a discrimination against them; I think it should be called a discrimination for them; for instance, in the Government Printing Office, for certain positions there, where the Public Printer says, in stating the qualifications he wants for filling a particular position, that he wants a person who has had experience in that kind of a position, where he makes such a requisition as that on the commission, they certify the highest on the register from which the certification is to be made who have had the particular experience that he has asked for. It rather, I think, should be considered as a discrimination in favor of experienced people as against those who have not had the particular kind of experience he wants.

The CHAIRMAN. Does it ever occur that they have called on the commission for male clerks, or is there anything of that kind done?

Mr. SERVEN. As against females?

The CHAIRMAN. Yes, sir.

Mr. SERVEN. The civil-service rules provide that the Departments may say, in stating the qualifications required, whether they want male or female clerks, and they usually do state which they desire. In the requests for holding special examinations they very frequently state which they desire. I noticed a letter which was received yesterday from the Secretary of Agriculture, in which he said he desired to inform the commission that at this time the Department is appointing only females to the position of assistant microscopist, and so he asked us to make that announcement in regard to our next examination for that position.

The CHAIRMAN. What section of the law warrants you in making such a discrimination; for instance, to enable the Secretary of the Treasury to call on you for male clerks?

Mr. SERVEN. I think the authority is probably contained in section 1753 of the Revised Statutes. As I understand it, the civil-service law is simply to some extent an elaboration of section 1753, and under that section the President has ample authority to make any regulations he desires for appointments to the service, and under that authority he has, in his rules or regulations, provided that the departments may call for either males or females. I understand that that is the authority.

The subcommittee adjourned until Saturday, January 15, 1898, at 10 o'clock a. m.

SATURDAY, *January 15, 1898.*

The subcommittee met at 10 o'clock a. m.

Present: Senator Pritchard, chairman; also, Hon. John R. Procter and Hon. John B. Harlow, members of the Civil Service Commission; Mr. E. D. Bailey, chief clerk; Mr. A. R. Serven, chief examiner, and Mr. G. R. Wales of the Civil Service Commission; Mr. George McAneny, secretary of the National Civil Service Reform League, and Hon. Henry M. Baker, acting president of the National Anti-Civil Service League.

CIVIL SERVICE COMMISSION.

TESTIMONY OF A. R. SERVEN, CHIEF EXAMINER.—Continued.

Mr. SERVEN. As to the statements that were spoken of the other day, I have done what I could to prepare them. Shall I give those first?

The CHAIRMAN. Yes, sir. In the first place, I will ask you to state the number of persons who were on the eligible list May 6, 1896.

Mr. SERVEN. We found that the nearest point we could get to May 6 where we could give the figures readily was on June 30, just after that date; and there were no important examinations held between May 6 and June 30. So, probably, on May 6 the number was slightly in excess, perhaps not over a hundred in excess, of what I have here. On June 30, 1896, not counting the registers for sex and the registers for different post-offices or different custom-houses, we had about 160 different kinds of registers—that is, registers where the eligibles had different qualifications—and on those registers there were 30,682 names of eligibles.

The CHAIRMAN. How many names did you have of persons who were eligible to appointment in the departments that were then included in the classified service?

Mr. SERVEN. Nearly all of those registers fitted some of the qualifications that were required, but for the peculiar qualifications which were then brought in for the first time—as, for instance, the Steamboat-Inspection Service, where a man had to have special and peculiar qualifications for which we had never before held examinations—we had none.

The CHAIRMAN. Let us take them up in regular order. For the Steamboat-Inspection Service you had none. Now let us take up the next.

Mr. SERVEN. I think I can give you just the order of the services that came in them.

The CHAIRMAN. Please state the different departments included at that date and the number of persons who were eligible to appointment in the various departments at that time.

Mr. SERVEN. Yes, sir. There were brought into the classified service under the extensions made under the order of May 6, 1896, three people at the Civil Service Commission, for all of whom we had registers. They were skilled laborers, and there were perhaps half a dozen different registers that would fit our requirements. One of those registers had 664 names on it.

The CHAIRMAN. I have the extensions here in the regular order in which they were made, and I will just call your attention to them.

Mr. SERVEN. Very well.

The CHAIRMAN. How many eligibles did you have in the Marine-Hospital Service?

Mr. SERVEN. We had none for the Marine-Hospital Service. I do not think we had any registers that would fit their service. They have peculiar, special qualifications. I believe in their service there were 161 positions classified, and my recollection is that there were no vacancies in that service for which they asked certification for some eight months after the orders of May 6.

The CHAIRMAN. How many places were classified in the Life-Saving Service?

Mr. SERVEN. In the Life-Saving Service, 2,290.

The CHAIRMAN. How many eligibles did you have for that branch of the service?

Mr. SERVEN. For that service—for their clerks, their stenographers and typewriters, and messengers and watchmen—we had ample registers. For clerks we had 552. They have some bookkeepers. We had 124 bookkeepers. They have stenographers and typewriters. We had 218 typewriters and 114 stenographers. They have messengers and watchmen. We had 65 messengers and 25 watchmen. Then, for the position of surfman, which is a technical position in their service, we had no register. Let me explain in regard to that service, that the surfmen are employed for only a part of the year. They are engaged for the season, and their term of service lapses. In fact, it is a sort of furlough without pay for usually four to five months, so they have very few vacancies except at the beginning of the year—in the early spring, before the first of April or the first of May—and by the time they wanted eligibles we had arranged our examinations and had eligibles for them in nearly all of their districts.

The CHAIRMAN. How many officers were included in the classification of the mint and assay service?

Mr. SERVEN. Eight hundred and twenty-eight. For that service, for such positions as the assayers, melters, and refiners, we had no eligibles. For the position of skilled laborers, as they call them, who are

the adjusters of scales, and such positions as counters, we had quite a supply of eligibles. When the departments ask for persons to fill those ordinary positions, which make up the greater part of that number, the commission give our third-grade test, because they want people simply of ordinary intelligence without any special training; and for those positions we had on our printer's assistant register, which is of the same grade, 664. That is the one I referred to a short time ago. And there were several other registers from which they could have been supplied. But in that particular service the Department has asked that appointments be made from certain districts. For instance, at the Philadelphia mint they have asked, I believe, that appointments be made only from those who are eligibles within the States of Pennsylvania, New Jersey, and Delaware. I think those are the three States; and in those States I have not the figures to show just how many we had, but I am sure we must have had quite a large number, because many had taken the examinations at four or five points in Pennsylvania, New Jersey, and Delaware. But for the special places, the technical places, the Department has asked us, in fact, to hold special examinations when they have vacancies instead of attempting to maintain registers all the time, and that is the plan we are working under now. They ask us for special examinations whenever they think they are going to need people.

The CHAIRMAN. How many officials in the Revenue-Cutter Service were included in that time in the classified service?

Mr. SERVEN. The Revenue-Cutter Service had 161 all told. In that service we had to hold a new examination. We had no eligibles for them. They make their appointments to the grade principally of cadet, to which they make appointments once a year. They have had vacancies only once since then, and at that time we had already held the examination, and we supplied them with all the eligibles they desired.

The CHAIRMAN. How many were included in the custodians' service at that date?

Mr. SERVEN. There were 704 reported. In that service the Treasury Department has asked us to give our third-grade examination, the educational examination, entirely. For the position of janitor——

The CHAIRMAN. How many did you have on the eligible list for appointment in that service at that date?

Mr. SERVEN. This same list of printer's assistants or skilled helper, skilled laborer, messenger, and watchman. All those positions are of that grade of educational ability.

The CHAIRMAN. Had you at that date held examinations in the various cities where public buildings were located in order to secure appointees from the locality in which the building was located?

Mr. SERVEN. No, sir; we had not. At that time the Treasury Department had not decided that they wanted them from the particular locality. My recollection is that it was some three or four, possibly five months, later before a case came up where they told us they desired to have them from the immediate locality. I believe the first case was at Wilmington, Del., and as soon as the matter came up the commission told them we would be glad to furnish them eligibles from the locality if they would tell us they were to be so restricted.

The CHAIRMAN. So at that time you were not prepared with an eligible list to enable you to make appointments from the locality in which the building was situated?

Mr. SERVEN. Senator, we were prepared in the way that they had asked us to be prepared, but not having local eligibles everywhere,

for they had not asked that. As soon as they did ask it, we at once took steps to prepare for it. However, the Department have told us that instead of holding those examinations for the custodian's service to meet all the possibilities of public buildings, so as to keep standing supplies of eligibles, they preferred us to hold special examinations at each place whenever they wanted eligibles. That is the plan we are now pursuing, and that accounts for very many temporary appointments.

The CHAIRMAN. Has it not been the universal policy of the Treasury Department in the past to appoint to the custodian's service from the community in which the building is situated?

Mr. SERVEN. I should think usually, but I notice that Congressman Mahaney the other day referred to the custodian service at Buffalo, in which he said that the Treasury Department had sent them one man from the State of Maine, and another from Albany, N. Y. So I imagine it is not the invariable rule.

The CHAIRMAN. When did he say those parties were sent there?

Mr. SERVEN. Some time during last year. They must have been sent there by transfer, as the Civil Service Commission made but one certification to them and that was of residents of Buffalo.

The CHAIRMAN. That was since those places have been included in the classified service?

Mr. SERVEN. Yes, sir.

The CHAIRMAN. I was asking you with respect to the practice of the Treasury Department prior to the date of the classification of those places.

Mr. SERVEN. As to that, I have not any personal knowledge. I only inferred from his statement of what the Treasury did that that probably was a sample of their occasional custom, and, as the commission did not certify those people, it was simply a transfer of those already in the service.

The CHAIRMAN. Did you not understand him to say that it was an innovation on the practice which had obtained heretofore?

Mr. SERVEN. Yes, sir; I did understand him to say so as to Buffalo, and I think it must have been the case, because the commission had certified three residents of Buffalo for the position there shortly before that time.

The CHAIRMAN. How many officials in the subtreasury service were included in the classified service on May 6, 1896?

Mr. SERVEN. There were 260, nearly all or very many of whom were stationed at New York.

The CHAIRMAN. How many eligibles did you have for appointment in that service?

Mr. SERVEN. In that service their ordinary bookkeepers and clerks we probably could have supplied from our clerk and bookkeeper registers, of which we had 124 bookkeepers and 522 clerks, and, as I said, something from 100 to 200 stenographers and typewriters. But, in fact, before the classification of their service was reported by the Secretary of the Treasury, they asked that a special character of examinations be held for them, and we have been holding them. Under that technical examination we had, of course, no eligibles, because we had never held that sort of examination before.

The CHAIRMAN. How many officials in the Engineer Department were included in the classified service at that time?

Mr. SERVEN. The Engineer Department had 4,377, some of whom it was found later ought not to have been included, and the Secretary of War corrected his classification, probably reducing the number to about

4,000 places. For those places we had very few eligibles. The principal bulk of their places are places for which no educational examination is required. About the only thing where they require an education is for their clerical positions, of which they have very few, and their civil engineers. We had held examinations for civil engineers prior to that time. I think there were possibly half a dozen civil engineers on our list May 6, 1896.

The CHAIRMAN. Were there any other departments included in the classified service on May 6?

Mr. SERVEN. Yes, sir; that is, the May 6 rules applied to them. They were not included until the head of the Department had reported them to the commission, which ran along for several months.

The CHAIRMAN. I understand.

Mr. SERVEN. The light-house service had 2,270 places classified. The Coast and Geodetic Survey had 46 aids classified.

The CHAIRMAN. We have already gone over the light-house service. How many eligibles did you have for appointment in the Coast and Geodetic Survey?

Mr. SERVEN. For the Coast and Geodetic Survey we had held some examinations before the classification covered the aids who were in the field. We had held an examination for aids who were on duty here, and we had a few eligibles, not over five or six. Seven, I think, we had then. Then the Ordnance Department at large was classified, including 1,389 places.

The CHAIRMAN. How many eligibles did you have for those places?

Mr. SERVEN. We practically had no eligibles for any position in that service which is substantially similar to the Engineer Department at large. Their people did not get an educational examination. It is simply a matter of registration like the navy-yard service. It is very similar to that. Then in the navy-yards there were 5,063 places which, of course, came under the continuation of Secretary Tracy's registration, and I suppose they had ample lists for that; and I might say the same for the Engineer and Ordnance Departments also.

The CHAIRMAN. You speak of Secretary Tracy's plan. What was his plan or method?

Mr. SERVEN. In 1891, I believe, Secretary Tracy, when head of the Navy Department, provided a plan for registration for all sorts of skilled laborers and helpers at the navy-yards, which consisted in filing statements showing the applicant's experience at the particular trade in which he desired employment and his recommendations from prior exployers and those who were supposed to be in a position to know what his ability was. The names were entered on their books, their registers, of all people who showed a satisfactory amount of experience and skill, without attempting to find out which were the better and which the poorer; they had to come up to a certain standard. All who reached that standard of skill and experience were placed upon this register with the date of putting the name on the list. Then, when they desired to employ anyone they took the name highest on the list—that is, the one who came on first—and so on, as they went down the list. They were supplied with those lists at that time.

The CHAIRMAN. Does that system prevail in the Navy Department now?

Mr. SERVEN. Yes, sir; it does, without change. The President's order in reference to the navy-yard system simply authorizes the Commissioners to continue that without change, as the Secretary of the Navy reported that it was entirely satisfactory.

The CHAIRMAN. Were there any other departments classified at the time you speak of?

Mr. SERVEN. The Alaskan school service, under the Interior Department, was classified. There were 32 positions there. For that service the qualifications required were similar to the qualifications required for the Indian teachers' service, and for that service we had something like 100 eligibles.

The CHAIRMAN. Were you authorized by law to use the eligibles who had been selected for the Indian school service in some other service?

Mr. SERVEN. Oh, I think there is no doubt of that, Mr. Chairman. The law seems to require the commission to provide eligibles with the qualifications which the Departments desire, and if the same qualifications fit in more than one place of course the commission does not hesitate to use them wherever they will fit, as a matter of economy principally, and because it has been found to have been very satisfactory.

The CHAIRMAN. Have you a rule which authorizes the exercise of this discretion?

Mr. SERVEN. There is no especial rule. I think that the law and everything in the rules bears in that direction. I have never seen anything contrary to that anywhere. I do not think there is any special reference either way.

The CHAIRMAN. Suppose you were called upon to appoint a typewriter and stenographer, and it should turn out that there was no list of typewriters and stenographers; but, on the other hand, you had some clerk copyists who were efficient as typewriters and stenographers, could you have them appointed as typewriters and stenographers?

Mr. SERVEN. In a case of that kind I think the commission would at once notify the Department that their supply of stenographers and typewriters that they had tested was exhausted, but that there were on other lists eligibles who had other qualifications who claimed a knowledge of stenography and typewriting. The commission would authorize the Department either to make the temporary appointment provided under section 12 of rule 8 for such a period of three months or more as might be necessary to get the stenographers and typewriters, or they could, if they desired, try the eligibles who claimed a knowledge of stenography and typewriting. Sometimes that plan is pursued.

The CHAIRMAN. That would obviate the necessity, then, of holding an examination.

Mr. SERVEN. It would if they were satisfactory to the Department. Rule 4, clause 1, reads:

> In pursuance of the provisions of section 2 of the civil-service act there shall be provided, to test fitness for admission to positions which have been, or may hereafter be, classified under the civil-service act, examinations of a practical and suitable character involving such subjects and tests as the commission may direct.

Leaving it discretionary to the commission as to what particular examination shall be held for supplying eligibles of any particular character. I think that simply illustrates, as I said, the general authority the commission has under the law and rules to obtain eligibles of any one kind of qualifications for any positions that demand such qualifications. There were some other services, Senator. Shall I run on through them?

The CHAIRMAN. Yes, sir; I shall ask you to go through the entire list.

Mr. SERVEN. The Government Hospital for the Insane had 455 places classified. Very many of those were positions of attendants where they required some not very extensive educational ability, and sometimes

special qualifications. The Department notified us that they desired certifications to be made only of those living in the District of Columbia, considering it as an entirely local service. For those the list of eligibles I have here does not show which ones were in the District of Columbia, but undoubtedly a considerable number of the 664 who were examined in the third-grade educational examination for skilled laborer or printers' assistant did reside in the District of Columbia. I know, as a matter of fact, that a number of certifications were made from that register for the Hospital for the Insane. However, their pay is very small over there, and they have a good many changes in that service, so that many certifications have been made for them.

The next is the Freedmen's Hospital, where there were 70 places classified, and in that service my recollection is that they have not made any temporary appointments at all except to the position of pupil-nurse. They have a nursing school over there for training nurses for their hospital work, where young colored girls who have graduated fill the position. I believe they had possibly half a dozen temporary appointments at that time where their number ran down, but we soon secured eligibles for them, so they had no further difficulty.

Then under the Smithsonian Institution, the National Museum, and the other scientific bureaus they had 227 places classified. For almost all of those positions special examinations were required. We had a very few watchmen, not over three or four, who would be eligible for their peculiar requirements, and probably for all of the rest we had no eligibles. However, in that service their changes are remarkably few. I do not think we have held over two or three examinations for them since they have been classified, one of which was for the assistant in charge of the division of anthropology, to which Mr. Holmes was appointed.

There were 21 positions in the Executive Office that were classified, including clerks and stenographers and typewriters. We had an ample supply of eligibles for anything they desired.

At the State Department there were 42 places classified. My recollection is that all of those places were simply laborers who were doing clerical or other classified work, for which we had ample registers. In the Treasury Department there were 192 such laborers.

The CHAIRMAN. Just at that point let me ask if they were designated as laborers on the roll.

Mr. SERVEN. Yes, sir, I believe they were; but most of them were doing clerical work.

The CHAIRMAN. But at the time they were appointed they were designated as laborers?

Mr. SERVEN. Yes, sir; they were paid from the laborers' roll, and that was the way with 192 in the Treasury Department; they were paid from the laborers' roll, but were performing classified work. In the Steamboat-Inspection Service there were 151 positions classified.

The CHAIRMAN. Before we leave the other point, please state the character of the service that those laborers were performing at that time.

Mr. SERVEN. A small number of them were reported to be doing stenography and typewriting. Probably the bulk of them (nearly all of them, I should say, as far as my experience goes at the Treasury Department, with which I was most familiar of course) were occupying desks and engaged on the same class of general work that the regular clerks and copyists were doing. A few of them were probably acting as messengers, but the great bulk of them in the Treasury Department were doing deskwork.

The CHAIRMAN. Is the classification of the laborers left entirely with the Department?

Mr. SERVEN. Yes, sir; the law provides that the heads of the Departments shall report as to who is and who is not included in a classification.

The CHAIRMAN. Have they the discretion to make such changes as they may deem necessary from time to time in the classification of laborers in the Departments independent of the commission?

Mr. SERVEN. I think not; as I understand it, they have only the general discretion, which is given them under general directions issued by the President; and then, if they make mistakes in the classifications, as many of them did apparently, for they included places that ought not to have been included, they write to the commission and have the mistake corrected; but I believe that is the only discretion that is given them.

The CHAIRMAN. I notice that teamsters, drivers, grinders, and so on, in the Printing Office have been classified as skilled laborers?

Mr. SERVEN. Yes, sir.

The CHAIRMAN. Do you think that was a proper classification ?

Mr. SERVEN. I do not know, Senator, whether I ought to put my judgment against that of the head of a Department.

The CHAIRMAN. You are on the witness stand and we are entitled to the benefit of your opinion on the subject.

Mr. SERVEN. Of course it is true that some handlers of horses become very expert, and, again, other people handle horses who have no business to be connected with them at all.

The CHAIRMAN. Do you not think that it is a misnomer to call a man who drives a wagon a skilled laborer?

Mr. SERVEN. Under ordinary circumstances, if it be a service where anybody from time to time is put on, where if a man has never seen the thing before he is able to do it at once, and any man picked up in the street is able to do it at once just as well as a man who has been doing it for, say, a month, in my judgment it would be a mistake. I should call him just a common laborer.

The CHAIRMAN. Now you can proceed with your statement as to the Steamboat-Inspection Service.

Mr. SERVEN. The Steamboat-Inspection Service had 151 places classified. I think about 30 to 35 of those places were clerks who had to be stenographers and typewriters. The balance, I believe, of them were local and assistant inspectors of hulls and boilers. For the clerks who were stenographers and typewriters we had an ample supply of eligibles. For the inspectors we had no eligibles at all, and we had to arrange an entirely new class of examinations for that service.

There were 161 places in the immigration service besides the immigrant inspectors. Some of them were clerks. There were 71 immigrant inspectors in addition to the 161 in the Immigration Service. So the 161 were employees, I imagine, of either a quarantine or immigrant station like Ellis Island, at New York. For some of those we had eligibles. For those especially requiring a knowledge that enabled them to act as interpreters we had, I think, French, Spanish, German, Italian, and Swedish, but for the other languages we did not have eligibles.

There were 36 special Treasury agents. For those a knowledge of the customs service was required. We had a large number of eligibles for inspectors in the customs service. There was a very large number of those. There were, all told, 3,541 persons on our eligible registers who had the qualifications required in the customs service, a great variety of qualifications, and such positions as special agents as the

Department said that they did not fill by the promotion of people already in the customs service they expected to fill from some of the customs registers. The same is true of special customs inspectors, of Chinese inspectors, and special Treasury employees. There were 56 special customs inspectors, 36 Chinese inspectors, and 33 special Treasury employees who were also in that eligible list. There were 71 immigrant inspectors, for which the Treasury Department said it would either select from some of our local registers, as the customs or post-office inspector or some similar register to that—I believe, in fact, they agreed to select from the customs register ordinarily—or, in case that did not fill what they wanted, they would ask us to hold a special examination.

In the office of Shipping Commissioner there were 54, for which we had no eligibles at all, unless it would be just at the very lowest, their messengers and watchmen, or something of that kind. For their peculiar qualifications we had no eligibles. There were 20 internal-revenue agents, for which we had no eligibles, and up to this time we have never been asked to make a certification.

The CHAIRMAN. Have you ever prepared a list?

Mr. SERVEN. A register?

The CHAIRMAN. Yes, sir; to test the qualifications required.

Mr. SERVEN. No, sir; we never have.

The CHAIRMAN. So you have no eligible list for that position?

Mr. SERVEN. No, sir; unless the department would be willing to appoint from some of the registers we have. As I understand it, the qualifications they desire for those internal-revenue agents are such as are already found in the internal-revenue service, and they expect to adopt the same plan that is used for post-office inspectors; that is, fill the position of an internal-revenue agent by the transfer or promotion of some one in the internal-revenue service.

There were 112 persons employed by the Treasury Department in the construction of public buildings, including some 35 to 40 superintendents of construction, with their clerks. Of those we, on May 6, had a supply of eligibles of any kind they desired for clerks and assistants, but for the 35 to 40 superintendents we had to hold special examinations afterward.

The CHAIRMAN. Was the list made up from parties living in the community in which the building was located?

Mr. SERVEN. The list of clerks and such people?

The CHAIRMAN. Yes, sir; and superintendents.

Mr. SERVEN. In that service the Treasury Department has asked for certifications from people residing in the State or Territory where the building is going up, and the lists contain eligibles from the different States and Territories; but for the superintendents of construction the Treasury Department has not limited the certifications to those in the immediate State or Territory.

Then, under the Treasury Department there were 201 positions of a miscellaneous character. Just as to what those were I do not know. I did not get those picked out from the report, the classification, but apparently they seem to be positions where there was only one or two of a kind in the whole service, and undoubtedly most of them were such positions as would require a special examination.

Under the War Department there were 270 laborers performing classified duty who were classified because of that. The work they were performing was usually of the clerk grade. We had eligibles for those. Then there were civilian employees at the Army and Department head-

quarters, 173, usually stenographers, clerks, or something like watchmen, and for those we had ample registers. The Military Park Commissioners had 58 positions classified. Usually those were watchmen and something of that kind for which we had registers. While we may not have had registers in the immediate vicinity, and probably did not, where we did not we would hold a special examination to get eligibles from the immediate vicinity of the park. Then there were 492 employees of the Quartermaster's Department of a general miscellaneous character, all sorts of assistants, classified; and many of those we had eligibles for. For some we did not have eligibles.

Under the Department of Justice there were 66 people reported as classified at the Fort Leavenworth penitentiary. I believe those are nearly all guards. For those the Department has said that practically the watchman's examination will be satisfactory to them, and on the watchman's list we have had a supply of eligibles in that vicinity. There were 57 clerks or stenographers and typewriters in the offices of United States district attorneys, and for some of those clerks the Department required ability as attorneys. For those we had a law-clerk examination, with a supply of eligibles.

The CHAIRMAN. Have you an eligible list for clerks in the United States attorneys' offices?

Mr. SERVEN. Yes, sir; we keep that list always supplied.

The CHAIRMAN. How is that list made up? Is it made up from individuals in the different States?

Mr. SERVEN. Yes, sir.

The CHAIRMAN. For instance, there is a vacancy in my State. Are you prepared to fill that position from an eligible list in my State?

Mr. SERVEN. Yes, sir; I think we are. We hold the examinations in every State, and it is rarely that we have not eligibles from every State. Just now I recall one from your State that I know.

There were 204 office deputy marshals and assistants reported as classified. For those I will state that the commission requested the opinion of the Department as to the office deputies, who were understood to be of the nature of clerks such as are ordinarily used in lawyers' offices, stenographers, and typewriters, or other clerks. The commission suggested to the Department that our clerk register, or stenography and typewriting registers, would probably meet what they required. However, up to this time the commission has not been able to agree with the Department of Justice as to just what sort of qualifications they desire to have tested by examination. Therefore we have no eligibles unless the Department desires to take those who are stenographers or typewriters, or have other clerk qualifications.

The CHAIRMAN. Is it contended by the commission that you can classify a deputy marshal under the law?

Mr. SERVEN. The commission, of course, is forced to accept the report of the head of the Department. The Attorney-General included them in his classification. Of course his word is binding upon the commission. Practically it has no authority to say anything about it.

The CHAIRMAN. Suppose he should ask them to accept a report which was incorrect and in violation of law. Are they compelled to accept such a report?

Mr. SERVEN. I think the commission would probably confer with him upon the matter, and if he did not change it, I think the only thing the commission could do would be to say to the President that the law officer, whose authority was supreme until it was overruled by the courts, had reported so and so, and they would be obliged to accept it, unless the courts should overrule it.

The CHAIRMAN. So the commission are powerless to act within themselves?

Mr. SERVEN. I think they are so far as the classification is concerned. I think they are entirely powerless. As a matter of fact, the commission has called the attention of possibly two or three heads of departments in the past to certain discrepancies which appeared in their report of classification, which to the commission seemed to have been made through error, and the departments have very promptly taken the matter up, and I think they made corrections in those instances. But that seems to be all the power the commission has in regard to classification. They have to accept what the departments report.

The CHAIRMAN. Then, the jurisdiction of the commission is merely that they are authorized to make recommendations to the President?

Mr. SERVEN. Yes, sir; that seems to be it, as far as classification goes. Under the Department of Justice there were also 121 miscellaneous positions which I have not been able to get in any particular class of positions, there being only one or two of a kind. As to those, I can not state what the qualifications were. Each particular position would probably require some particular sort of qualification. The chances are that we did not have eligibles for those.

In the Post-Office Department there were 25 people who were borne on the rolls as laborers, but who were performing classified duty, principally clerk duty. There were also skilled employees in the mail-bag and mail-lock repair shops, numbering 157 and 49, respectively, who were classified, being principally skilled mechanics of one sort or another, sailmakers or something of that kind in the special trades that they require there.

The CHAIRMAN. If it will not divert you too much, can you state the character of examination submitted to parties employed in the mail-bag repair shops?

Mr. SERVEN. Yes, sir; the examination consists in filing with the commission statements, with the verification of employers and others who are in a position to know, showing the exact character of work that the applicant has performed heretofore. For instance, if we take the position of canvas worker there, who is a sailmaker, he has to show that he has had a certain amount of experience, that he has served a certain length of time as an apprentice before he can be permitted to compete in that examination. Then he has to prove to the commission the experience he has had after he became a full journeyman worker as a sailmaker or canvas worker, and he submits full statements as to just what sort of work he has done, the character of the work, and certificates from those who have employed him or who have worked with him as to the skill and care and ability he has displayed in his work, and also as to his habits of industry, and as to his rapidity of work. Certificates are required which the Post-Office Department have informed the commission are entirely satisfactory to them as showing the value of the applicant's ability as a worker.

The CHAIRMAN. Is he required to stand a scholastic test?

Mr. SERVEN. No, sir, he is not; nothing more than simply filling out those certificates; and even then, if he can not read or write, the Department has said that it is willing to accept, and the commission has accepted, such certificates and has passed those presenting them who could neither read nor write; but where they employed some one else to execute it for them, and the point that had to be sworn to they swore to and signed by their mark, with the witnesses. So there is absolutely no educational qualification required there.

I wish to state in this connection, Senator, that the number now classified, who are subject to competitive examination, is something like 84,000 or 85,000, and of that number there are some 16,000 positions where no educational examination is used at all; but it is simply this character of positions, where they prove up the experience they have had, and that is weighed in determining what value should be put upon those workers.

In the Navy Department there were classified 701 clerks, employed at navy-yards and naval stations, for which we had ample registers. There were 15 naval architects classified. For those positions we have to hold special examinations. We have held in the past, I think twice a year, examinations for naval architectural draftsmen, senior architectural draftsmen, with eligibles resulting. The Department has said they would fill their lower positions with them and then promote up as they considered them qualified. Then there were 32 employees of the naval pay officers classified, who are usually of a clerical or bookkeeper character, for which we had eligibles.

The CHAIRMAN. Did you have an eligible list for them?

Mr. SERVEN. Yes, sir. There were 13 employees in the Marine Corps, clerks of one character or another, for which we had eligibles. Then there were 63 people employed in the particular bureau, I think they call it, in the Navy Department, that took up the work of the increase of the Navy. I think there was a special appropriation of some kind which carried on the work of that particular bureau. There were 63 positions of a clerical nature classified there for which we had eligibles.

In the Department of the Interior there were 96 people borne on the laborers' roll, but performing clerical work, principally. They were classified and we had eligibles for them. There were 199 employees of the district land offices, of all sorts, classified. Some of those were surveyors, topographers, draftsmen, and mapmakers. Many of them, however, were clerks. For the bulk of those positions we had eligibles on our clerk or bookkeeper or draftsman registers. But there were a few positions there for which we had never held an examination, and of course we had to hold special examinations. There were 216 employees of surveyors-general. The same statement applies to them as to the district land offices. There were 65 people reported as classified who were employed with the Architect of the Capitol. I should think it would be safe to say that we had eligibles on our list who could fill every one of those positions if they had an opportunity.

The CHAIRMAN. Could you have filled them without detriment to the other service, the service for which they were examined?

Mr. SERVEN. Yes, sir; I think we could. I do not think there is any doubt of that. There were 92 positions of a miscellaneous character brought in under the Interior Department by this extension, most of which were of a special character of work, and to fill most of them probably a special examination would be required.

In the Department of Agriculture there were 115 people reported, I believe laborers who were doing classified duty, principally clerical, for which we had a supply of eligibles.

In the Department of Labor there were three reported who were of the lower, the subordinate class of positions, for which we had eligibles had they called for them.

In the Fish Commission there were 19 places brought in. Those I believe were principally people who were assistants to the regular fish culturists, that is, people who had not a full technical knowledge of fish culture, but who were required to have a partial knowledge of it.

Those we have since filled from our fish-culturist register, and very satisfactorily.

The Interstate Commerce Commission was entirely classified at that time. There were 137 employees. Of course many of them were clerks, of which we had a supply. They have a few law clerks there, of which we had a supply, and stenographers and typewriters. Probably there were not over 10 places in the Interstate Commerce Commission which we could not have filled at that time.

The CHAIRMAN. By whom are the examinations for the position of law clerk prepared?

Mr. SERVEN. They are prepared by our law examiners. Mr. Wales is usually one of the board. They are prepared by a board of attorneys. There is a general law clerk examination, without any specialty in law, which is prepared by Mr. Wales and his board, consisting of from two to five other attorneys in different branches of the service, after consultation with the heads of the law divisions or law bureaus in each of the different Departments. The present form of the law-clerk examination was prepared, probably, after I had been at the commission about six months. At that time representatives of each Department that has law clerks were consulted in regard to the scope and character of questions in the law-clerk examination.

The CHAIRMAN. Is experience taken into consideration in conducting the examination for law clerks?

Mr. SERVEN. It is in this way. For the ordinary law clerk, where there is no specialty, the applicant has to show that he has been admitted as a practicing attorney, but he does not have to show that he has practiced any particular length of time or a given number of years. For the special law-clerk examination, and most of them are of a special character, the Departments determine whether or not they desire a man who has had any particular kind of practice or whether they simply want a man who has been admitted, who has had the study. In a recent examination the Interior Department asked to have only those admitted to the examination who had had at least five years' experience as practicing attorneys or as judges on the bench in the highest courts of their State. They must have had also five years' experience in land-law tribunals before they could be admitted to the examination, and then a credit was also given for experience in that examination. Experience was counted as a part of the examination.

The CHAIRMAN. What clerks were referred to?

Mr. SERVEN. The assistant law clerk in the office of the Assistant Attorney-General for the Interior Department.

The CHAIRMAN. So they are required to have had five years' experience on the supreme court bench?

Mr. SERVEN. No, sir; not on the bench.

The CHAIRMAN. That is what I understood you to state.

Mr. SERVEN. Five years in practice before the court or on the bench. If they have been on the bench, the Department considers it to be as valuable as if they were simply practicing attorneys, but they must have had at least five years' practice before the highest court in the State. The experience on the bench, of course, ought to be more than equivalent to the practice. Then, also, they are required to have had five years' experience in a court which had jurisdiction of land-law cases. Now, some of the highest courts in the States do not have land-law cases, and therefore those who had not had the experience in land-law courts could not enter the examination. It was a double-experience requirement. In most of the law-clerk examinations the Department

cites some special kind of experience that they want for the particular position they desire to have filled.

In the post-office service there were 499 positions brought in under the order of May 6, 1896. Those were, I believe, post-offices that were newly classified. Under that order they were brought in, with their clerks and carriers, and possibly a porter or two on the list, although I do not think there were any porters on that list.

The CHAIRMAN. Is there any discretion given to the postmaster where an office is newly classified in selecting the appointees for the office? For instance, is he permitted to exclude a man who lives outside of the delivery district and to take a man living in the town?

Mr. SERVEN. Of course the postmaster already has his clerks. The clerks are brought in by the inclusion. He selects his clerks and they come in already classified, without coming to the commission. But the carriers have to be examined because he has had none before. For those I believe the commission has agreed with the Department that if the Department desire to appoint as carriers, that is, for the first carriers, only those who are in the immediate district covered by the carrier service or in the immediate vicinity, so as to be practically residents of the place where the carrier service is to be established, they may do so, and if there are others on the list they need not consider them for such employment.

The CHAIRMAN. Is there any rule adopted by the Civil Service Commission which gives them this discretion?

Mr. SERVEN. I should say that, instead of there being a specific rule, that more nearly comes under the general authority which is granted to the commission to do certain things so far as the conditions of good administration warrant, so the law says.

The CHAIRMAN. Does this general authority to which you refer give them the power to make discriminations in favor of one individual and against another?

Mr. SERVEN. I think in such cases as that it would. I think the commission are justified in allowing the Department to say that one of the qualifications of the carrier it wants must be that he must live at the place where the carrier service is to be established. Of course the Department sets the qualification.

The CHAIRMAN. Were they notified of that fact before they took the examination?

Mr. SERVEN. As to that, there may have been some who were and some who were not; I am not just sure about that. The Department has recently asked the commission to do that.

The CHAIRMAN. Do you not understand that under the civil-service law every man whose name appears on the eligible list has a vested right to the extent that he is entitled to appointment as the law prescribes?

Mr. SERVEN. Only to this extent, as I understand it. He is only entitled to certification for appointment to a place requiring the peculiar qualifications which he possesses. If he does not possess all the qualifications, of course he has not any right to be considered in the certification.

The CHAIRMAN. But is not the commission under the law required to certify the three highest names on the eligible list without any distinction?

Mr. SERVEN. Of those who have the qualifications desired of them. If the three highest on the list did not have the qualifications desired, I do not think the commission should certify them.

The CHAIRMAN. Is it possible to find men who are the three highest on the list who have not the qualifications desired?

Mr. SERVEN. Sometimes. Some of our registers are made up as rather composite registers, where more than one set of qualifications is contained in one list. For instance, on the list the commission have various kinds of mechanics. They will have on one list probably a man who is skilled, we will say, as a machinist, a man who is skilled as a lathe worker, and again, on the same list there will be a man skilled in some other branch of the machinist's trade.

The CHAIRMAN. Let us go back to the subject under consideration. Suppose you have an eligible list for the appointment of mail carriers in a town or city. You submit the same kind of an examination to each one of those eligibles, do you not?

Mr. SERVEN. Yes, sir; the same questions exactly.

The CHAIRMAN. Suppose you find three names at the head of that list, are you not compelled under the law to certify those names?

Mr. SERVEN. Let me say, Senator, that one——

The CHAIRMAN. Just answer that question, yes or no, and then you can make an explanation.

Mr. SERVEN. I think that you are not, unless they comply with the qualifications that are required.

The CHAIRMAN. What other qualifications are required except to pass the examination?

Mr. SERVEN. The application which is filed is a part of the examination. The application requires each applicant to show where his legal residence is, and if in that list there be a man whom this part of the examination shows is a legal resident of some other place, and the Department calls for the certification of those who have the qualification of having passed the educational and the special tests for letter carrier, and whose legal residence is at the place where the service is to be performed, I do not think the commission would be justified in certifying in response to such a requisition a man who is a resident of some other place.

The CHAIRMAN. By what rule are they precluded from making this certification?

Mr. SERVEN. Possibly the statement which I read, which illustrated the general authority the commission has to supply the qualifications that the Departments require. There is no special rule on that, I think. It is under the general authority that the commission are expected to furnish eligibles with such qualifications as the Departments request that the commission have taken this action, and they have only taken it at the specific request of the Post-Office Department.

The CHAIRMAN. So, then, if it be the fact that a man's name appears upon the eligible list it does not follow that he is to be appointed, even though he is the highest on the list?

Mr. SERVEN. Not necessarily, on a list——

The CHAIRMAN. But I mean the list for a particular place. Let us confine ourselves now to this one service.

Mr. SERVEN. In this particular letter-carrier service the commission might have to do this. They do not do it as a matter of convenience and economy, but they could with propriety make two lists. They could make one list of the people who reside in the immediate place where the Department said they required the eligibles to reside in, and another list of those who had passed the examination and resided somewhere else. Then of course it would be the first list that the certification would be made from.

The CHAIRMAN. When you issue a notice that there will be an examination for mail carriers at Charlotte, N. C., for instance, do you state that only people residing within the city of Charlotte are eligible, or do you state that people generally are eligible?

Mr. SERVEN. Oh, no; there is a rule which provides that anybody may be examined for the post-office service wherever he wants to be, and he may be eligible to appointment at the place where he was examined, but he can not be examined for any other place than the particular post-office where he was examined.

The CHAIRMAN. Do you not think that it is a plain evasion of the law to discriminate in this way in favor of one and against another?

Mr. SERVEN. I think that the commission are right in following what is known as the home-rule principle in making local appointments. I think that they would be properly criticised if they insisted on the Post-Office Department appointing a man from New York City as a letter-carrier in Charlottesville, for instance. I think the Post-Office Department would be criticised, too, if it made the appointment.

The CHAIRMAN. In the first instance, in submitting the notice for examinations to secure an eligible list, do you not think it would be better for the commission to state that only parties residing within a special area shall be entitled to appointment?

Mr. SERVEN. I think possibly that might be; but under the civil-service rule as it is now the commission are obliged to admit anybody to the examination who presents himself and who complies with the requirements as to application. They can not shut a man out.

The CHAIRMAN. Does not the law which requires them to do that also make it obligatory on them to certify the three highest on that list for appointment?

Mr. SERVEN. I should hardly think so. My judgment is that the commission has the authority to certify eligibles of the particular character the department requests. If it be those who reside at the particular point, the commission is authorized with power to make such a distinction or any other similar distinction where the good of the serv ice demands it.

The CHAIRMAN. Under such a liberal construction of the law they would be warranted in ignoring the list entirely, would they not?

Mr. SERVEN. If the list did not contain the qualification the head of the department required, they would have to get others, because they could not fill the requisition. Therefore they would not be authorized to issue a certification in answer to such a requisition.

The CHAIRMAN. So it is possible under a civil-service examination to obtain eligibles who are not fitted for the places for which they are examined?

Mr. SERVEN. Take draftsmen; we do not know whether they are fitted for positions as typewriters or not.

The CHAIRMAN. I am not talking about typewriters. I have put a different question to you.

Mr. SERVEN. Pardon me. I understood you to ask if it was not possible to get eligibles who are not fitted for the chief positions for which they were examined.

The CHAIRMAN. Those who are not fitted for a certain position for which they were examined. That is what I am asking you.

Mr. SERVEN. I do not think so. I do not think it is possible to get eligibles of a particular kind who are not fitted for the place except in this. Our examinations are quite free and therefore a certain percentage probably of people are not properly qualified.

The CHAIRMAN. Are not all the examinations gone over carefully by examiners in the Civil Service Commission?

Mr. SERVEN. Yes, sir; they are very carefully gone over.

The CHAIRMAN. Is it a fact that after they have gone over the papers and examined them you then revise them and exercise the discretionary power to reject?

Mr. SERVEN. No, sir; there is no revision and there is no rejection. It is simply this, that if a particular eligible who does not reside at a place is one of the first three on the list and the Post-Office Department says that it desires qualifications, not including the question of residence, he would be certified, because then he meets the requisition of the Department.

The CHAIRMAN. Suppose it should turn out that one of the three highest on the list lives a quarter of a mile outside of the city limits, in such a case has it been the practice of the commission to drop his name and certify those living within the limits?

Mr. SERVEN. No, sir; in that instance it has been the practice of the commission to certify. As I understand it, the commission only follows the request of the department where the department says that residence in the vicinity of the place is required. I believe that is the way the department puts it. For instance, if one lives just outside of a limited boundary, as I understand it, the commission would certify him, unless the department specified particularly in its request for a certification that no one would meet its wants who did not live inside the limits of the corporation. Then, of course, I do not think the commission could meet the requisition unless it sent only those who live inside. That matter, as I understand it, is almost entirely in the discretion of the department which asks for the certification. In their requisition they ask for just such particular qualifications as they want, and the commission tries its best to fill them, just as a prescription is taken into a drug store and the druggist tries his best to meet the exact requirement of the prescription.

The CHAIRMAN. The parties who take the examination do so with the understanding that they are to stand on an equal footing with other parties?

Mr. SERVEN. With the general understanding.

The CHAIRMAN. General or specific? Is it not the specific understanding that each man is to be treated alike so far as that is concerned?

Mr. SERVEN. Yes, sir; I should say it was, that wherever his qualifications fill the requirement he will be certified if he is entitled to certification by reason of his standing on the register.

The CHAIRMAN. Is it not your understanding that the departments are not to be permitted to interfere in anyway with the certification of parties for appointment?

Mr. SERVEN. That is, as to who should be certified?

The CHAIRMAN. Yes, sir.

Mr. SERVEN. It is in so far as it does not relate to the qualifications, but so far as qualifications are required I understand that the Departments alone set the qualifications that they want, and it is the business of the commission to get people with those qualifications.

The CHAIRMAN. Inasmuch as the matter is left within the discretion of the departments, and they have to deal directly with it, do you not think that a better rule would be to submit the entire eligible list to the heads of the Departments and let them make a selection from the list? Do you not think that would be quite an improvement?

Mr. SERVEN. I do not think so, and for this reason. I think before

a Senate investigating committee some years ago the Pension Commissioner at that time testified in regard to the special examiners, all of whom were then under the rule certified. All who had passed the examination were certified every time a vacancy was to be filled. This officer testified before the investigating committee, I understand, that he had no difficulty in displaying his political bias in the selection of people, because he got whoever he wanted on the list; that if he got one man of his party on the list he could select him regardless of whether he was the best man or one of the three best or the poorest man on the list. The purpose of the act seems to have been to try to take political qualifications out of the list of substantial qualifications for work in the Departments. I think that a man's political opinions in ordinary positions in the Government service, of whatever stamp his political opinions may be, do not qualify him either to perform better service than those of other opinions or have any bearing on his value as a particular clerk or other employee.

The CHAIRMAN. But you give as a reason why this should be done that it is done in order to accommodate the various departments?

Mr. SERVEN. Yes, sir.

The CHAIRMAN. If they are to be accommodated to this extent, would it not better to go to the extent of giving them the entire list and letting them make their own selection?

Mr. SERVEN. I think practically that plan would be the old plan as it was followed under the law of 1853. I have a copy of that law here somewhere. It provided that——

The CHAIRMAN. We are familiar with the law of 1853.

Mr. SERVEN. It makes it practically a pass examination, and then anybody who squeezes in at the very bottom of the list stands as good a chance comparatively as the man who passes the best examination and is at the top.

The CHAIRMAN. If you should send the eligible list to a department, there would be nothing on the list which disclosed the politics of any individual upon it?

Mr. SERVEN. No, sir, there would not be; but we have the evidence of the gentleman to whom I referred that he had no difficulty in finding out the politics.

The CHAIRMAN. You can proceed with your statement of eligibles for those classified by the order of May 6, 1896.

Mr. SERVEN. I think we have substantially covered the list of all the services that came in under the extension of May 6, 1896. I find that there were 96 people of a miscellaneous character in the Government Printing Office who were brought in then.

The CHAIRMAN. Who were the 96 whom you mention?

Mr. SERVEN. I should judge that probably they were people who were doing in the Government Printing Office the same class of work that those were doing who had been classified before, and that, therefore, they have been reported, although I am not familiar with that. I can not state just what particular people they were. I can get that for you and submit it if you like.

The CHAIRMAN. Yes, sir; I would be glad to know who they were.

Mr. SERVEN. Then, in the customs service, the extension of the smaller custom-houses brought in 537 clerks, inspectors, etc., and of course for each individual custom-house brought in we had to hold a local examination. There were 301 additional places in the internal-revenue service that were brought in under the order of May 6. I understand that those were principally deputies of one kind and

another that had not been before classified. That completes substantially everything that I have under the order of May 6. It is about everything that was covered. There may be a few places that I have not mentioned.

I submit to the committee a table showing the approximate number of eligibles May 6, 1896.

The matter referred to is as follows:

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., January 14, 1898.

To the COMMISSION:

As orally directed by the commission, I have the honor to submit herewith a table showing for each of the principal positions in the classified civil service of the United States the approximate number of eligibles on May 6, 1896.

Very respectfully,

WM. R. BUSHBY,
Chief Certification Division.

Table showing for each of the principal positions in the classified civil service of the United States the approximate number of eligibles on May 6, 1896.

Kind of examination.	Number.
DEPARTMENTAL SERVICE.	
a. Competitive.	
Clerk copyist	522
Bookkeeper	124
Fourth assistant examiner, Patent Office	70
Special pension examiner	21
Draftsman:	
Agricultural Department	1
Mechanical	6
Mechanical (Light-House Board)	3
Topographic	10
Treasury Department	3
Typewriting	218
Stenography	114
Modern languages:	
Danish	1
French	7
German	4
Swedish	3
Computer	8
United States Commission of Fish and Fisheries:	
Fish culturist	10
Scientific assistant	10
Statistical field agent	4
Superintendent of station	5
Printer's assistant	664
Skilled helper	30
Department of Agriculture:	
Assistant agrostrologist	2
Assistant chief, dairy division	5
Assistant, division animal pathology	1
Assistant, division of soils	9
Assistant, division of vegetable physiology and pathology	1
Assistant and histologist	1
Assistant pathologist	3
Expert agriculturist	3
Expert chemical assistant	5
Expert in foods and nutrition	2
Expert physical assistant	2
Horticultural assistant	1
Meat inspector	57
Observer	36
State statistical agent	2
Stock examiner	393
Tagger	309
Miscellaneous:	
Assistant engraver (Geological Survey)	4
Assistant geologist	4
Copperplate map engraver	8
Copyist of maps	4
DEPARTMENTAL SERVICE—continued.	
a. Competitive—Continued.	
Miscellaneous—Continued.	
Engineer	4
Engraver (Geological Survey)	1
Fireman	14
Library clerk (State Department)	3
Lithographic steam pressman	3
Machinist	.....
Map printer	5
Mechanical engineer	6
Medical pension examiner	1
Nautical expert	3
Proof reading	4
State Department clerk	8
Janitor, custodian's force	2
Messenger	65
Messenger boy	26
Watchman	25
Carpenter, Treasury Department	17
Total competitive, Departmental service	2,877
b Noncompetitive.	
General Rule III, section 2:	
Clause (*c*)	3
Clause (*d*)	9
Departmental Rule VIII, section 1, clause (*d*)	26
Departmental Rule IX (promotion)	1
Total noncompetitive, departmental service	39
Total competitive, departmental service	2,877
Total departmental service	2,916
RAILWAY MAIL SERVICE.	
a. Competitive.	
Railway mail clerk	4,585
b. Noncompetitive.	
Transfers (Rule V, 1, *a*)	95
Total Railway Mail Service	4,685

Table showing for each of the principal positions in the classified civil service of the United States the approximate number of eligibles on May 6, 1896—Continued.

Kind of examination.	Number.
INDIAN SERVICE.	
a. Competitive.	
Industrial teacher and farmer	2
Kindergarten teacher	5
Matron	168
Physician	21
Seamstress	2
Superintendent and principal teacher	75
Teacher	274
Teacher of industries	185
Total Indian service	732
GOVERNMENT PRINTING SERVICE.	
a Competitive.	
Assistant electrician	10
Bookbinder	62
Cataloguer of public documents	5
Compositor	443
Electrotype finisher	3
Electrotype molder	1
Electrotyper	3
Engineer and machinist	15
Pressman	46
Saw filer and knife grinder	6
Stereotyper	7
Skilled laborer	471
Total competitive Government printing service	1,072
b Noncompetitive.	
Transfer (rule 6, section 1)	1
Total Government printing service	1,073
POSTAL SERVICE.	
Competitive.	
Clerk	7,870
Carrier	8,905
Total postal service	16,775
CUSTOMS SERVICE.	
Competitive.	
Assistant bookbinder	2
Assistant gauger	2
Assistant weigher	41
Assistant weigher messenger	7
Attendant	20
Boatman	8
Carpenter	9
Chemist and polariscopist	7
Clerk, day inspector	130
Clerk	1,000
Day inspector	787
Examiner	25
Fireman	11
Foreman	4
Inspector	1
Inspectress	77
Janitor	.....
Messenger	258
Night inspector	143
Night inspector and watchman	535
Opener and packer	181
Sampler	23
Stenographer and typewriter	1
Watchman	52
Watchman-inspectress	22
Weigher, gauger, and assistant weigher	189
Total customs service	3,541
INTERNAL-REVENUE SERVICE.	
Clerk	459
Storekeeper-gauger	501
Total internal-revenue service	960
Grand total for all branches of the classified service	30,682

Mr. SERVEN. The question of assistants of the commission who were detailed from other departments was up the other day.

The CHAIRMAN. Yes; we will take up that subject next.

Mr. SERVEN. I have made an investigation of that matter. I find that of the 51 who were detailed to the commission and were returned to the Departments for one cause or another since the extension of May 6, 1896, 18 came into the service through the commission's examinations and 33 came in by extensions of the classified service. On a comparison of those two classes I found that those who came in through the commission's examination were possessed of from fair to excellent ability and adaptability, and probably two-thirds of those who came in by Executive order instead of by examinations were found to be of very small value in our work. The other third of this class were of good ability, and most of that third were recalled because the Departments felt that they could not spare their services any longer. The commission would have been glad to have kept them longer if they could. However, as to those I will say that a number of them were persons possessing peculiar qualifications, such as one of the experts from the Weather Bureau, one of the experts at the office of the Department of Agriculture, who only left us because after entering a departmental

examination for expert electrician he was transferred from the Department of Agriculture to the Treasury Department at a very large increase in his salary. A number of those were special scientific people in positions that had been excepted from examination before May 6, 1896, and were only made competitive then. I submit the statement which I have prepared to the committee.

The statement referred to is as follows:

DETAILS RETURNED TO DEPARTMENTS SINCE EXTENSION OF MAY 6, 1896.

There are 51 of these, of whom 18 came into the service through the commission's examinations and 33 by Executive order. A comparison of the two classes shows that those who came in through the commission's examinations were possessed of from fair to excellent ability and adaptability, while probably two-thirds of those who came in by Executive order instead of examination were found to be of very small value in prosecuting the work of the commission. The other third of this class were recalled by the Departments on account of their ability and the need for them there, while the two-thirds were returned to the Departments by the commission because it could find no further use for their services. By a comparison of the two classes, the great superiority of those who came into the service through the examinations is clearly demonstrated.

The CHAIRMAN. Can you give an estimate as to the total cost of the commission?

Mr. SERVEN. Yes, sir; I have an exact statement of it here. I believe there was a Senatorial resolution of inquiry some time ago addressed to the Secretary of the Interior and the Secretary of the Treasury calling for the exact cost of the commission from its organization. The information that is given here is simply a copy of their reply. I will have it in just a moment. [Examining.] I do not find that statement in the preparation of matter that was submitted to the sub-Committee on Appropriations of the House this year, but a statement was submitted to them showing the exact cost of the commission up to the 1st of December, 1897, from its inception in 1883. My recollection is that the total cost of all kinds was in round numbers something like $680,000, including salaries and everything.

The CHAIRMAN. Does that estimate include the cost of the local boards?

Mr. SERVEN. It includes all the cost of the local boards except the cost of salaries, and I will say that they have no increase of salary for the work that they perform for the commission.

The CHAIRMAN. How are the local boards constituted?

Mr. SERVEN. The local boards are appointed on the nomination of the appointing officer at the local position. For instance, at the post-office the postmaster is requested to nominate the members of the local board to submit nominations to the commission, and on his nomination and recommendation the commission make appointments.

The CHAIRMAN. From what class of individuals does he select the appointees?

Mr. SERVEN. Usually he is requested to select those who, in his judgment, have sufficient general intelligence and ability to satisfactorily perform the duties connected with his office in regard simply to conducting the examinations, that is, acting as in charge of them.

The CHAIRMAN. Does he go outside of his office to make the selection, or does he select individuals who are employed in his office?

Mr. SERVEN. He selects individuals who are employed in his office, and on his nomination the commission appoint them. They do not receive any increase in salary. They are supplied by the commission with their record books and all such matters.

The CHAIRMAN. How many days in the year do they devote to this particular service?

Mr. SERVEN. The commission has at Boston at present a gentleman who acts as secretary of the local board for, I think, possibly 30 to 40 different offices, and at present he is giving about his whole time to the civil-service matters. He has very little assistance during the year from any of the other members of the board. I believe that the Treasury Department has recently placed at his disposal a stenographer and typewriter for such time as he may have need of such service. That is probably in that way the most expensive of any of our local boards.

The CHAIRMAN. Will you please submit the average length of time those men are employed?

Mr. SERVEN. I should say that probably one member of each of the local boards would average being employed, perhaps, a part of three days a year. Possibly, counting the little odd moments of time that he uses in discussing those matters with his appointing officer, he would give considerably more time when they were getting ready to make appointments, but that I think should be rather considered as a part of his duty as an assistant, rather than as a member of the civil-service board.

The CHAIRMAN. I asked you with respect to the time they are required to devote to the examination of applicants.

Mr. SERVEN. I should think that my estimate of probably one member of the board using three days would cover the average. It would be as much as the average.

The CHAIRMAN. That would be nine days to each local board?

Mr. SERVEN. Oh, no, sir; for one member.

The CHAIRMAN. There are three members, are there not?

Mr. SERVEN. But only one of the three would give three days a year.

The CHAIRMAN. Why?

Mr. SERVEN. Because usually there is only one member of the board employed. If there are two, they are usually employed for not over fifteen or twenty minutes, or something of that kind.

The CHAIRMAN. Is it not a fact that you make at least three examinations in the different States during the year?

Mr. SERVEN. Yes, sir, we do. We have many more than that number. For instance, each post-office usually has two a year—sometimes only one.

The CHAIRMAN. Are not the members of the local boards required to devote a day to those examinations?

Mr. SERVEN. Not all the board. Some one man is required to devote a part of a day to the examination—not the entire day ordinarily. But the general examinations are held at possibly five points. That is the greatest number of points in any State where the general examinations are held.

The CHAIRMAN. But what I want to get at is whether you require the entire board to be present during the examination?

Mr. SERVEN. No, sir, not necessarily.

The CHAIRMAN. Then what is the necessity to have three members of the board?

Mr. SERVEN. For the convenience of the particular officer in charge. It is not always possible for him to so arrange his work that any particular one can be spared, so we have three, and he can use whichever one has the most time to spare for that work. That is the object of the three.

The CHAIRMAN. Then only one member is necessary to constitute the board?

Mr. SERVEN. Ordinarily only one member is necessary to perform the work of the board. As a matter of fact they usually have three. Some appointing officers desire to have more. Sometimes he has to have five, for reasons of his own, of course.

The CHAIRMAN. I ask you if it is not a fact that in most instances all three members of the board are present at the examinations?

Mr. SERVEN. I should say, from what I know about it, that as a general thing probably not more than two of the members of the board look into the examination room at all on the days of examination. Of course they may do so. It depends largely on the requirements of the board. They may on some examinations. If they have a large crowd to attend to they may do that. Occasionally I have heard of cases where the carrier member of the post-office board will simply lay off that day from his carrier duties and attend an examination without being of any assistance at all, simply because he can do it.

The CHAIRMAN. Then, you are not testifying from your personal knowledge, but you are simply assuming?

Mr. SERVEN. No, sir; I am testifying from the information I have.

The CHAIRMAN. But you get it directly?

Mr. SERVEN. Yes, sir.

The CHAIRMAN. And your information is that only two are employed?

Mr. SERVEN. I should state that ordinarily not even two are employed, only a small portion of time.

The CHAIRMAN. How many local boards are there?

Mr. SERVEN. About 800, I think, in all the different branches of the service.

The CHAIRMAN. How many people were examined by the Civil Service Commission during the year 1897?

Mr. SERVEN. Fify thousand five hundred and eighty-five, I believe.

The CHAIRMAN. How many were certified and appointed under that examination?

Mr. SERVEN. From July 1, 1896, to June 30, 1897, there were 3,308 people appointed from certification, according to this showing. These figures were made up as accurately as possible at the time.

The CHAIRMAN. What became of the remainder of that number? Have they gone off the list?

Mr. SERVEN. Probably a number of them are on the register, inasmuch as they stand on the register for a full year after their examinations are marked.

The CHAIRMAN. How long are they entitled to remain upon the list?

Mr. SERVEN. For a year from the time their names are entered on the list.

The CHAIRMAN. Do you not think that the law or the rule should be amended so as to permit parties to remain longer than a year on the eligible list when they have given evidence of their qualifications?

Mr. SERVEN. I think it should be changed as to many of the places. We have discussed that to some extent, I think, in the commission.

The CHAIRMAN. Do you not think it would be a great saving of expense to the Government to provide that at the end of a year they may make application to be continued for another year by showing that their residence is the same as when they were examined and that they are still persons of good moral character?

Mr. SERVEN. I should think that it ought to be in that particular line. The only special objection I would see to it is that the law contemplates that the examination shall be open and free to anyone who thinks he has the qualifications to compete, and that therefore we

would continue to have a much larger number of eligibles than we would have any chance of ever getting appointed if we continued them on the list. Of course those who remained on would be the lower ones on the list; the top ones of course would go; and it would be carrying them along with almost no chance of appointment under ordinary circumstances.

The CHAIRMAN. Could you not hold examinations for new applicants without requiring those people to be dropped from the register?

Mr. SERVEN. Yes, sir; that is what I meant to infer.

The CHAIRMAN. Is it not a fact that the reexamination of those people entails a great and needless expense on the Government?

Mr. SERVEN. It does, sir; but I do not think that the reexaminations are very prevalent. I think that an applicant who passes once and finds that he does not succeed——

The CHAIRMAN. Is it your idea that when a man once goes through the ordeal of a civil-service examination for a year, he gets enough of it?

Mr. SERVEN. I do not think I would put it just in those words, but the idea I intended to convey was something like this: A man takes a particular kind of examination and he goes on the register for a year. He does not get an appointment; he does not see that there is any particular prospect of his getting an appointment; and he says, "Oh, well, I guess I will not try that again." So, except for a special examination——

The CHAIRMAN. So it is a polite way of getting rid of those individuals?

Mr. SERVEN. Of those who have not qualifications good enough to put them up to the top of the register. With many of them I think that is what it amounts to. Of course there are those who are sometimes examined three or four times in successive years, they, I suppose, hoping each time that they will make a sufficiently high average to get within reach of certification.

The CHAIRMAN. But I am speaking of those who have a good grade.

Mr. SERVEN. I think there would be considerable economy in that, especially for the technical examinations, which are really our most expensive examinations. It takes more labor of every kind to prepare and hold them.

The CHAIRMAN. Has the commission been actuated by the spirit which you speak of, to get rid of those people? Has the reason why they have not changed the policy and extended the time been that they would not be bothered with them?

Mr. SERVEN. I think not, because the commission has discussed this matter very seriously and very earnestly. The commission has tried to devise means and has adopted a number of expedients to try to confine competition if possible as far as it could to such of the people who come forward as have the best qualifications. For instance, they have done this: In a number of instances where the different departments have set prior qualifications which a man must have, the commission has made him make out a prima facie case of fitness before he is examined.

The CHAIRMAN. How many eligibles went off the list without securing appointments during the year 1897?

Mr. SERVEN. I think I can get very closely to that. The percentage of those appointed who passed for 1896 and 1897 was only $11\frac{6}{10}$ per cent. That is very low, for the average percentage of those appointed who pass——

The CHAIRMAN. That would leave a percentage of how many going off the list?

Mr. SERVEN. It would leave $88\frac{4}{10}$ per cent.

The CHAIRMAN. Is it true that $88\frac{4}{10}$ per cent of those on the eligible list failed of appointment?

Mr. SERVEN. There is yet a considerable time to run on that register. Of course there are many of them left, and it is hardly fair to say that that proportion went off.

The CHAIRMAN. I am asking you in regard to those who have actually gone off the list.

Mr. SERVEN. I think it is safe to say there will be 28 per cent of appointments from those who have passed. I think that, as a general average, will be justified by the figures before all those who passed the examination in 1897 have gone off the list.

The CHAIRMAN. What per cent of those going off the list in the past have applied for reexamination?

Mr. SERVEN. That would be purely an estimate. I should say that the percentage was not very large.

The CHAIRMAN. I shall ask you to leave this matter now and to look over the records and then you can give a full answer.

Mr. SERVEN. Yes, sir; I will supply that information.

The CHAIRMAN. What limit of time do you think the period of eligibility should be extended? Should it be one, two, or three years in addition to the time you already have?

Mr. SERVEN. It is my judgment that for the highly technical examinations it would be economical in every way if the time of eligibility were extended to three years. Possibly it might be extended even beyond three years. My own opinion, however, is that three years would probably be the best limit to put on the time of eligibility for positions that require high scientific, technical, special ability.

The CHAIRMAN. How would you amend the rules with respect to this matter?

Mr. SERVEN. I think I should prefer an amendment which would provide that for all places requiring a highly scientific or technical variety of qualifications eligibles should continue on the register for three years. For places of a scientific or technical character, but not so highly scientific or technical, I am inclined to believe it would be a good idea to leave them on the register for two years.

The CHAIRMAN. Why do you make a discrimination in favor of one and against the other?

Mr. SERVEN. For the reason that scientific places that are not especially technical, where a man simply has to have a fair knowledge of some one or two of the sciences, the retention of names on the list for a longer period than two years would probably not result in anything except additional work for the commission in handling them, because those qualifications are so common with our system of education in this country that we are always able to obtain them. In fact, in our ordinary examinations we have more applicants for many of those kinds of positions than we have any need for at all. Therefore, if those who are low in those branches are not taken off either the first or the second year they would probably be so low that they never would be taken off, and the only result in leaving them on longer would be that the commission would continue to have to handle their papers and their records from time to time, while they would not stand any chance of certification. But in the highly technical places I think that the qualifications are relatively scarce enough in this country that it would be an advantage to have those extended to probably three years, and possibly longer than three years, although we are such a drifting, migratory

people that with the changes in residences and conditions in the space of a few years in this country it might possibly not result in the best advantage to extend the period beyond three years.

The CHAIRMAN. Do you not think it would be a good idea to permit anyone to be reexamined who desires a reexamination in order that he may secure a higher grade?

Mr. SERVEN. Yes, sir; I think that probably it would. Usually I think the first time persons take one of the civil-service examinations, where they are in competition with others, they are very apt not to realize the importance of following the specific directions given them. Very often I have seen instances where people who did have abilities sufficient to pass an examination, yet when they went into the examination were careless of the little things, and, of course, in competition with a man who was not careless of them he had to be given advantage over them, and they would get down low in the list, where, if they had that in mind and would take another examination, it would show a better result, possibly 5 per cent increase or something of that kind, so that probably the second examination would give them an opportunity to get high enough on the list to be certified for selection.

The CHAIRMAN. Have you given the question of the classification of deputy collectors any thought?

Mr. SERVEN. Yes, sir; I have. It was my duty to examine into the law to some extent on that point when we had the matter under consideration at the commission, and I have endeavored to find out something about it.

The CHAIRMAN. Do you think they are properly classified?

Mr. SERVEN. I think that under the law as it stands they undoubtedly are. I do not see how any other conclusion can be reached. As to the advisability of their classification, in investigating the matter and discussing it with different gentlemen at the Treasury Department and elsewhere who had close personal knowledge of the customs service, I have thought that the Internal-Revenue Service was largely of the same character as the customs service; that they are engaged in the collection of the revenues, and they ought to be placed as nearly as possible on a purely business footing. In the customs service Secretary Howell assures me the classification has been very satisfactory. In fact, some two or three weeks ago, in discussing the matter with him in regard to the customs service in Alaska, as to the propriety of either not holding an examination there or holding examinations only of those whom the Treasury Department nominated for examination, making it simply a pass examination or making it open and competitive, the same as for the rest of the country, he said, "By all means have it competitive. Do not have any other kind, because it has increased the value of the customs service very much, and it will increase it there."

The CHAIRMAN. Inasmuch as the collector is responsible on his official bond for the official conduct of these individuals, do you not think that the collector should be permitted to make his own selection of deputies?

Mr. SERVEN. I do not think so. I am not prepared to say that he should.

The CHAIRMAN. I mean with proper restrictions as to competitive and noncompetitive examinations.

Mr. SERVEN. I think that he might possibly be permitted, with just as much value to the service, to examine them as for anyone else to attempt to pass upon the qualifications, but in view of Mr. Howell's evidence as to the customs service——

The CHAIRMAN. I am asking you about the Internal-Revenue Service.

Mr. SERVEN. I just wanted to follow that up so as to explain my answer. Mr. Howell told me that they could do the same thing in the customs service just as well without the Civil Service Commission; that it would be possible for them to do it; but they do not do it and will not do it, and that is where the difficulty is. This is the place where the Civil Service Commission is a benefit.

The CHAIRMAN. He assumes that they will not do it?

Mr. SERVEN. He said they did not, and he was satisfied they would not. He said the only advantage was simply that the Civil Service Commission afforded the officers in charge an opportunity to do these things which they could do, but did not do if it were not for the commission.

The CHAIRMAN. I was asking for your opinion. That is simply Mr. Howells opinion. Have you had occasion to examine into the question of the classification of storekeepers and gaugers who receive less than $3 per diem?

Mr. SERVEN. Yes, sir; I have, to some extent. I have felt that, possibly, there were a number of places reported as classified in the Internal-Revenue Service as storekeepers and gaugers who were employed only a part of the time, in regard to which the Department should have considered the civil service rule which provides that where people are employed only a part of their time and their personal salary aggregates less than $300 a year they shall not be classified. I have the impression that a number of those places in the Internal-Revenue Service were reported as classified that should not have been classified under that particular provision, and I think the particular class you speak of would come in there.

The CHAIRMAN. The difficulty to contend with is that sometimes these parties are employed for a year, and in that instance they would receive $600.

Mr. SERVEN. Yes; they might be employed for a year. I think that if their service could be considered as in any nature continuous, or practically continuous, even at a small compensation, it would probably result in advantage to the service to have them classified; but if the service is of such an intermittent character that they can pursue their own avocations without special detriment, it seems to me it would be better not to have them classified.

The CHAIRMAN. In many instances in my State the farmers simply distil their crop of corn, and then they cease operations until another year.

Mr. SERVEN. Yes, sir; I have understood that is the case, and also with the fruit crop.

The CHAIRMAN. It is the same way with the fruit crop. Now, I ask you if you do not think the rules could be amended with advantage to the service so as to exclude storekeepers and gaugers receiving less than $3 per day?

Mr. SERVEN. Personally, I think that such an amendment in some cases would probably be a benefit, and in others it might not be. I think that the provision as it now is in the rule is of such an elastic nature that it will cover cases such as you cite—all of the ordinary cases.

The CHAIRMAN. How is the collector to know when he employs a storekeeper or gauger at a distillery as to the length of time he is to serve?

Mr. SERVEN. Of course he can not know, but it seems to me that the Treasury Department and the collector can make such an estimate from past experience as will justify them in determining which officers should

come under that clause in the rules. The objection I have to specifying a certain rate of pay and saying that all who get less than that shall not be classified is that it at once furnishes an opportunity and an inducement, and at once invites pressure on the appointing officer to provide for a lot of such appointments below that salary, as it did in the customs service.

The CHAIRMAN. Would it not, then, be a good idea to leave the matter entirely in the discretion of the Commissioner of Internal Revenue or the Secretary of the Treasury?

Mr. SERVEN. I think the Secretary of the Treasury is the one who is best qualified to judge as to what should be classified in each branch of the service in his Department, and of course the law does leave it to him. The last Secretary, Mr. Carlisle, in his report of classification, I suppose, consulted fully—in fact, I am sure that he consulted fully—with the Acting Commissioner of Internal Revenue, and I suppose his classification is the result of their judgment on the matter. I have understood so.

The CHAIRMAN. I understand that no action is taken without full consultation between the Secretary of the Treasury and the Commissioner of Internal Revenue in all matters relating to the internal-revenue laws.

Mr. SERVEN. We have found it so in every way in the civil service matters. In fact, the Secretary of the Treasury has referred me several times to the Commissioner or the Acting Commissioner for consultation on different points as they came up.

The CHAIRMAN. You spoke of an inefficient class who were employed in the Civil Service Commission by Executive order. Is there no way by which you can get rid of that class of individuals?

Mr. SERVEN. I should say that of course the commission itself has none of that class on its rolls. The commission has been careful in selecting its own employees and in filling vacancies. Either in appointing from its own registers or in transferring from other departments it has been careful to get a very high class of employees. Our own employees are very efficient. I think they will compare very favorably with those of any bureau or department in the service anywhere. But those whom we have found not valuable to us in the past are those who are serving there, of course, on detail from other departments, and as to them it is a question for the head of the department to say as to whether they are efficient enough to meet his wishes. If they are not he has full authority to dispense with their services.

The CHAIRMAN. Do you not think that parties who were classified by Executive order, without having been required to stand a civil-service examination, should be required to pass an examination?

Mr. SERVEN. My own opinion is that that would have been a much fairer way for all concerned, and undoubtedly it would have been found of considerable benefit in one way and another way.

The CHAIRMAN. Is it not the only equitable way to deal with this matter?

Mr. SERVEN. It would seem to be so. I should think so. I suppose at first when the law was under consideration in the House and in the Senate it was considered that possibly there might have been an embarrassment at the time the service was classified in compelling all who were in the service to be examined; but it seems to me that arrangements could be made for such examinations by the head of the department, or if he desired to use the machinery of the commission I think that the commission would be pleased to make any arrangements that

it could satisfactorily with him to assist him in carrying out such an examination. Of course he is the final judge as to whether they are efficient or inefficient. Under the law, the debates show that it was presumed that those who were brought in by an extension of the service other than by examination would be either continued by the head of the department, if he found them efficient, or that they would be dropped if he found them inefficient. But the other plan puts them all on the same basis and it would seem, as you suggest, to be the most equitable plan in the end.

The CHAIRMAN. No steps were taken at the time they were classified to ascertain their qualifications?

Mr. SERVEN. No, sir. As I said, in 1882 and 1883, when the bill was under discussion, it was practically decided by, I believe, the Senate (I am sure the Senate seemed to hold that opinion, and I believe the House did) that it would be better to leave the qualification of those who were already in the service to the heads of the different Departments and not attempt to examine them; and that practice has been followed ever since as extensions have been made from time to time. The commission concurred in what it thought was the judgment of the Senate and House.

The CHAIRMAN. Is there any further statement which you desire to make?

Mr. SERVEN. Yes, sir; I have two or three things here. I have a copy of the Post of May 7, 1896, the one that I referred to the other day as having been purchased on the train at Baltimore. I find on the first column of the first page the heading:

"By Sweeping Order—President Cleveland Extends the Scope of the Civil Service—No more Spoils of Office—Nearly Thirty Thousand Places are Added to the Classified List—Only 775 are now Unprotected—All Positions of Consequence in Washington, Except the Private Secretaryships to the President and Members of the Cabinet, put Under the Protection of the Civil Service."

The CHAIRMAN. It is unnecessary to put that in.

Mr. SERVEN. I merely want to submit that.

The CHAIRMAN. It states "No more spoils of office?"

Mr. SERVEN. Yes, sir; that is a subhead in large type.

The CHAIRMAN. The order was simply to cover those spoils already put in?

Mr. SERVEN. Yes, sir; I suppose so.

The CHAIRMAN. They were to be the last of the spoilsmen?

Mr. SERVEN. I have a list of the positions now in the classified service for which no scholastic examinations are given at all. Do you care to have it read?

The CHAIRMAN. Yes, sir; I would like to hear it.

Mr. SERVEN. I think it is important that you should have it.

The CHAIRMAN. Just give the number and then you can hand the paper to the stenographer to be inserted at this point.

Mr. SERVEN. I have not the number of the different positions. I have just the names of the positions.

The CHAIRMAN. Very well, proceed.

Mr. SERVEN. An estimate based upon reports from the Departments shows the number of classified positions for which no scholastic test is given as approximately 16,000, with following designations:

Blacksmith, cabinetmaker, carpenter, coachman, cook, decorator, general mechanic, hardener, hostler, knife grinder, laundress, leather worker, locksmith, machinist, mason, miller, painter, plasterer, plate cleaner,

plate printer, plumber, roller maker, sailmaker, sawyer, steam fitter, stonecutter, tailor, teamster, transferrer, wheelwright, locomotive engineer, switchman, fireman (except in the custodian service), oiler, portrait and vignette engraver, hospital attendant, surfman, pupil nurse, boatman, certain classified laborers, and light keepers.

Engineer Department at large: Deputy inspector and master, deputy inspector and pilot, deputy inspector and mate, master pilot, mate, engineer of steam vessels and similar positions where licenses are required by the Office of Steamboat Inspection, inspectors receiving $1,200 or less per annum who are not appointed through examination, baker, blacksmith, blaster, boarding master receiving $75 per month or less, boatman and steersman receiving $900 per annum or less, boiler master, bricklayer, calker, carpenter, cement finisher, cement tester, cement worker, chainman, concrete finisher, cranesman, dredge runner (to include engineer for dredging), elevator conductor, gardener, gauge reader, instrument men receiving $900 or less per annum, master laborer, leadsman receiving $600 per annum or less, lockmaster receiving $720 per annum or less, lock and bridge tender, machinist, mason, master quarryman, master mechanic, master mason, master carpenter, master stonecutter, master bricklayer, master weaver of mats, motor man (to include all steam engineers not licensed engineers), overseer receiving $900 or less, painter, pile driver receiving $720 or less, pipe fitter, plumber, powderman, recorder receiving $480 or less, rigger, rodsman receiving $75 or less per month, sheet-iron worker, ship carpenter, stadia man, steward receiving $75 per month or less, stonecutter, striker, telegraph and telephone lineman, helper to blacksmith, helper to calker, helper to carpenter, helper to machinist, watchman, and any similar position.

Ordnance Department at large: Steam engineer and machinist, locomotive engineer, engine man, fireman, machinist, pattern maker, blacksmith, painter, tool maker, screw maker, file cutter, case hardener, temperer, engraver, die sinker, filer, vitrioler, polisher, rigger, piper, case maker, tinsmith, plumber, saddler, whealwright, hammersman, boiler tender, steam engineer, engineer (not civil or mechanical), assistant steam engineer, electrician, mechanic, carpenter, smith, printer, mason, gauge maker, cutter, browner, bluer, harness maker, tool grinder, wheelman, steam and gas fitter, melter, millwright, molder, tinner, weigher, farrier, bolt maker, heater, rotary filer, foreman, assistant foreman, inspector, assistant to inspector of ordnance, assistant in experimental firing, assistant inspector, assistant machinist, assistant smith, forge master, assistant millwright, assistant piper, steam-hammer driver, skilled laborer, messenger, guard, and watchman.

Applicants for these positions are rated solely upon the elements of experience and physical ability. the former usually counting 80 per cent and the latter 20 per cent of the test.

The CHAIRMAN. How are those positions designated?

Mr. SERVEN. Those are the roster designations, and they are designated in the reports with those titles.

The CHAIRMAN. For instance, is a coachman designated as a plain laborer, a skilled laborer, or by what term?

Mr. SERVEN. The roster title has him as a hostler, sometimes—one case I remember—or as a driver. There are two or three designated as driver; there are some designated as teamster, coachman, and some just as skilled laborer. There are a number in the list in different parts of the service that have different designations.

The CHAIRMAN. I see you have a cook designated here as a skilled laborer.

Mr. SERVEN. Yes, sir; they have them in the Indian service at some of the Indian schools, and at one of their hospitals they have a hospital cook. There are a few positions of cooks that have been reported. There were a number at first reported by the War Department and classified; but on the commission's discussing the matter with them and calling their attention to it, they decided that it would be better not to have reported them, and so they corrected their classification, considering theirs as simple laborers. But the hospital cooks are supposed to be skilled.

The CHAIRMAN. How is a knife grinder designated?

Mr. SERVEN. I think he is given as a knife grinder in the report of the classification.

The CHAIRMAN. Is that the only designation that you give him in order to enable you to classify him?

Mr. SERVEN. I believe that is what the head of the Department did. He called him a knife grinder.

The CHAIRMAN. I observe that you have a teamster here.

Mr. SERVEN. Yes, sir; that is one of the designations.

The CHAIRMAN. How is an oiler designated? Is he a skilled laborer?

Mr. SERVEN. They may have oilers who are designated as skilled laborers. The oilers mentioned there, I think, are those principally in the engineer or ordnance service.

The CHAIRMAN. Are pile drivers skilled laborers?

Mr. SERVEN. I believe they are the people who manipulate the machinery in pile driving. I understand so.

The CHAIRMAN. Is the helper to a carpenter, the man who picks up lumber and so on, a skilled laborer?

Mr. SERVEN. The helper to a carpenter is an apprentice.

The CHAIRMAN. He is not a laborer, but an apprentice?

Mr. SERVEN. Yes, sir; I believe the Department considered those positions very carefully before they reported them as classified, and my understanding is that they reported them only because they embraced skill, acquired skill, and they desired to have the opportunity to promote their apprentices to full journeymen as they showed sufficient ability. There is a great variety of titles there. They are just as they were taken from the roster, and some of them are rather peculiar for the duties. We were somewhat astonished when the first report was made to find among the lot a striker.

The CHAIRMAN. I see you have a hardener here.

Mr. SERVEN. I have, Mr. Chairman, two statements here which I desire to make. Both of them are in regard to evidence which was brought out before the committee. One is in regard to the examination of Mr. John H. Howlett for superintendent of construction. I notice in his evidence that he apparently had the idea that the questions asked in his examination, with the exception of one which he stated, were not of a practical character. He speaks of the requirements of good eyesight and good hearing. On page 232 he also speaks of a plan which was submitted in that examination which he understood was submitted for the purpose of mystifying those who tried to pass the examination, no figures being given with it, so that he could give dimensions. Therefore, in answer to a question from you, Mr. Chairman, as to what in his judgment should be the questions asked, he says: "I think they should all be practical questions. Very few practical questions were asked me. There were some; I remember one," which he states. He does not get it quite as it was asked him, however. I should like to read those questions in order that you may see their character.

The CHAIRMAN. The questions which were submitted to Mr. Howlett?

Mr. SERVEN. Yes, sir.

The CHAIRMAN. You propose to read from his examination?

Mr. SERVEN. Yes, sir; from his examination. Mr. Procter at the time stated to you that we would furnish the questions. I will state in regard to this matter that it was the first examination of this kind we held. It was after the extension of May 6 for superintendent of construction. The examination and questions were prepared at that time by the experts supplied for that purpose by the Treasury Department from those in the Supervising Architect's Office, in company with one of our examiners. The subjects which the Department recommended for that examination were letter-writing, with a weight of 10 per cent; practical arithmetic and calculations, with a weight of 30 per cent; and practical questions on materials and construction, with a weight of 60 per cent. The subject for the letter which they gave him was as follows:

"Write a letter on the accompanying blank sheet stating what, in your opinion, are the essential qualifications of a competent superintendent of construction."

He was taking the examination for superintendent of construction, and of course the commission wanted to get his idea as to what would make up a competent superintendent of construction.

The computations in practical arithmetic I have here. The first question was: "Multiply by duodecimals (which is the form of computation they have in the Architect's office in the Treasury Department) 4 feet 3 inches and 2/12ths by 10 feet 6 inches and 3/12ths." The second part of the first question was: "How thick must a brick wall be to carry 180 tons distributed over 10 feet in length, calculating the brick work to safely carry 9 tons per square foot?"

"Question 2. How many bricks in a pier 5 feet square and 9 feet high, and what will be the cost, at $11.50 per thousand, to build such a pier, allowing 20 bricks to a cubic foot?"

"Third question. Find the quantities of excavation in cubic yards as per plan A" (which I will show you in a moment); "grounds assumed to be level, general excavation 7 feet 2 inches deep, window areas 5 feet 3 inches. Give the cost of same at 37½ cents per cubic yard."

There was the plan [indicating] with the figures given at the line, so that all the dimensions were figured from that plan by some fifteen gentlemen who had never seen it before. However, Mr. Howlett had some difficulty in figuring it out. The next question was:

"Find the cubic yards concrete per plan B, and cost at $5.60 per cubic yard."

That is this plan [indicating], with heavy lines and explanations: "Main exterior walls to have concrete footing 3 feet wide and 1 foot 6 inches thick. Area walls and stepwalls 2 feet by 1 foot 3 inches. Interior walls, 1 foot 6 inches by 1 foot." Giving the specifications. The next question was: "In the basement of a building there are 327 linear feet of brick wall 2 feet 2 inches thick, 543 linear feet 1 foot 5 inches thick, 897 linear feet 1 foot 1 inch thick; all walls are 11 feet 4 inches high. Give number of cubic feet brick work and number of bricks used, at 20 to the cubic foot. What is the cost at $14.25 per thousand?"

Those were computations which apparently should have been practical, whether Mr. Howlett found them so or not.

The remaining questions were on the subjects of materials and construction. The first question was "What is a fair proportion of sand,

broken stone, and cement as concrete of foundations for a building under ordinary circumstances?" The second question was "What are the characteristics of a good brick, and what crushing force per square inch should such a brick be capable of supporting?" I will state that I am informed by builders——

The CHAIRMAN. It is incompetent for you to make such a statement. It is hearsay.

Mr. SERVEN. I was so informed by one of the examiners who rated the papers.

The CHAIRMAN. It would be incompetent to state it.

Mr. SERVEN. The third question was: "Why are inverted arches used in foundations? Of the three forms of arches, semicircular, segmental, and pointed, which exerts the greatest thrust and which the least?

"Question 4. Give units of measure for the following branches: Excavation, concrete, stonecutting (faces, beds, and builds), slating, plastering.

"Question 5. Name the divisions that constitute an order of architecture and give the names of the several parts in each division.

"Question 6. Name the various cuttings required on a granite block from the time of taking out of the quarry to the time of finishing of eight-cut work ready to set in wall. Give the principal finishes used in dressing sandstone."

I notice that Mr. Howlett said that the commission simply said stone, without indicating whether it was granite or what it was. You see that the question specifies in the first instance the cuttings for finishing granite, and in the second for sandstone.

"Question 7. Describe English bond, Flemish bond, and also the bond commonly employed in brickwork; also state how you would bond press brick facing to common brick backing.

"Question 8. Describe 'quarter-sawed,' 'edge-grain,' and 'flat-grain' boards, and illustrate by sketches.

"Question 9. Sketch a queen-post roof truss. Name the several members, and state which members are in compression and which members are in tension.

"Question 10. Give the characteristics of good hydraulic cement, and state in detail how you would determine its quality in the absence of cement-testing apparatus."

Those were the questions that we used.

The CHAIRMAN. Was he asked any questions as to whether he had had experience as a contractor in the construction of buildings?

Mr. SERVEN. Yes, sir, he was; in his application papers first, where he had to file certificates of his experience, and then, second, in the sheet which is here.

The CHAIRMAN. Are the statements which appear in the application papers taken into consideration when you grade the applicant?

Mr. SERVEN. In this particular examination they were not, for the reason that the Treasury Department had said at that time they did not care to include the subject of experience in their examination. They thought they would make their practical questions so practical that the man had to have the experience to be able to answer the questions properly.

The CHAIRMAN. Have you Mr. Howlett's application there with the papers?

Mr. SERVEN. Yes, sir.

The CHAIRMAN. I wish you would please read his statement in regard to the experience he had had in the construction of buildings.

Mr. SERVEN. Here is one of the statements by Mr. James W. Orme, of Washington, in regard to him. Those are a part of the application. Mr. Orme states that he had known Mr. Howlett for forty years; that he had done building work for him; and in answer to the question, "How long, to the best of your knowledge, has the applicant worked at the trade, profession, or occupation for which he seeks to be examined," he gives the answer: "In 1873." He does not state how long; he says "in 1873." Further, in answer to the question: "In what particular branch of his trade, profession, or occupation is the applicant most proficient, and, as far as you know, how long has he been employed in that branch?" he says he has been a "contractor and builder since 1873." He says he would give him employment as a skilled workman "beyond all doubt."

The CHAIRMAN. Is there anything in the application which states whether Mr. Howlett was employed to build houses?

Mr. SERVEN. Yes, sir; there are a number of things. Here is one from an architect. You see they were permitted to file with their papers all the certificates that they could showing their experience. Here is one from an architect, Mr. Mullett, at 1411 F street.

The CHAIRMAN. What does he have to say that bears on this question?

Mr. SERVEN. This appears to have been Mr. Howlett's appointment as inspector of material for a building to be erected, the Sun building, on F street. It is just the appointment. Here is a letter written by Mr. Mullett at the time Mr. Howlett resigned the position as assistant to the superintendent of construction. It says:

Yours of this date, tendering your resignation as assistant superintendent of the Sun Building (the work being practically completed), is hereby accepted, and in so doing it gives me very great pleasure to say that though, as you know, the task that we have successfully completed has been an unusually arduous one and involved more than usual strain upon temper and judgment and an excessive amount of labor, that the work has been completed to my entire satisfaction as far as you are concerned, and I am assured by Mr. A. S. Abell to his satisfaction so far as we are concerned. The work has been performed in a manner, taking the building as a whole, that would be difficult to surpass, and I desire to express my entire satisfaction not only with the manner in which you have executed your portion of the work, but my entire confidence in your integrity as a gentleman and your ability as a mechanic.

Then there are a number of others of a similar character.

The CHAIRMAN. Do you know anything about the character of the Sun building, as to whether it is a small building or a large building.

Mr. SERVEN. Yes, sir; it is a good sized building. I do not find from this that Mr. Howlett was the superintendent of construction, but he was one of the assistant superintendents.

The CHAIRMAN. By whom is that certificate made?

Mr. SERVEN. By the architect of the building, I suppose. I believe Mr. Mullett was the architect.

The CHAIRMAN. Was Mr. Mullett at one time Supervising Architect of the Treasury?

Mr. SERVEN. I am not sure about that. My impression is that he was in that office if he was not architect.

Mr. BAKER. He was Supervising Architect for about ten years.

Mr. SERVEN. I should think he was. He refers to Mr. Howlett as assistant instead of superintendent of construction. We found that in answer to those questions Mr. Howlett got 56.8 on the answers to the practical questions about materials and construction, and that he got

58 per cent in his calculations of excavations, etc. He spoke in his evidence of queen-post construction, which——

The CHAIRMAN. In this connection I should like to ask you how these papers are examined?

Mr. SERVEN. They are examined by a committee, composed of representatives of our examining board, and in this particular case they were examined by a gentleman, or possibly by two gentlemen, connected with the Supervising Architect's Office, for which the examination was held, and I think also by a third member of one of our examining boards, who was either a superintendent of construction or an assistant superintendent of construction on the building for the Library of Congress. They acted together. They all went over the questions together, and each of them agreed as to the marks.

The CHAIRMAN. How many examiners were there?

Mr. SERVEN. I believe there were either four or five who marked these papers. My recollection is that it was not Mr. Green of the Library building, but it was a gentleman he recommended who was in his employ at the time; I think an assistant in the Treasury. That examination has been slightly changed since that time in the effort to make it, if possible, more practical than it was then. If you care, I will tell you the subjects that are covered in it now.

The CHAIRMAN. It is suggested to me by Mr. Procter that I ask you as to whether that examination secured a list of eligibles who were satisfactory to the Department?

Mr. SERVEN. I understand that it did—very satisfactory. They have appointed a large number of those who passed that examination. Yesterday I saw a letter signed by the present Supervising Architect, in which he very highly commended one of the gentlemen obtained from that examination for his exceptionally good work in connection with the building that he was engaged on.

The CHAIRMAN. Was he recommended more highly than Mr. Howlett had been by the former Supervising Architect?

Mr. SERVEN. Yes, sir; I think he was, for the reason that the particular work for which he was so especially commended was of an exceptional character, requiring very high qualifications, which the recommendation of Mr. Howlett does not disclose that he possesses. The statement was made that the official report which he had made would be of great value to the Treasury Department, and would be filed away for future use in the Architect's Office.

I will state that in this particular examination a slight change has been made in the effort to make it, if possible, more practical. The following subjects are included now: They give the applicant the same sort of a letter on some general subject of interest connected with his work as a superintendent of construction, showing his practical arithmetic and computations, etc.; and then the practical questions on building materials and construction. Then they give him a special examination in building specifications, and then they have a series of special questions on the supervision of the construction of buildings, which, possibly, is an improvement on that examination.

The CHAIRMAN. Who marked the papers in the examination for Supervising Architect?

Mr. SERVEN. In that examination for Supervising Architect the Treasury Department assisted the commission in securing the services of a committee of architects composed of Mr. Post, of New York, who is president of the American Architects' Institute; Mr. Burnham, of Chicago; Mr. Peabody, of Boston; Mr. Chandler, of Philadelphia, and Mr. Carrere, of New York.

The CHAIRMAN. Were these parties regularly employed by the Civil Service Commission?

Mr. SERVEN. They were not. They were in the employ of the Treasury Department at the time.

The CHAIRMAN. They were employed only for this special marking?

Mr. SERVEN. Yes, sir; they were simply detailed by the Secretary of the Treasury to assist.

I found at page 180 and page 181 of the evidence before your committee a number of statements—I found some of them there and some of them elsewhere—to the effect that the commission can not conduct examinations other than of a scholastic character; that is, that the commission can not investigate executive ability or special ability of that kind. I find on page 180 this sentence:

And what is of consequence, the selection is made, not as the result of any proper or, to the commission, possible investigation to learn what practical experience and fitness the person has to sustain the proposed official relation to the Secretary or head of a bureau and to discharge the duties that will devolve upon him as such, but by reading the answers to certain written and printed questions which, no doubt, are in some measure pertinent to the general object of the inquiry

The CHAIRMAN. From whose testimony are you quoting?

Mr. SERVEN. It is from the letter of Mr. Butterworth, Commissioner of Patents. Then I find further on a statement that the examination of the commission must necessarily be confined solely to the applicants knowledge of text-books and his ability to answer a few questions of that character. In going over the evidence submitted to the committee in regard to examinations those were the only two things, Mr. Howlett's examination for which I have given you the questions that were actually asked to show whether they were practical or not, and a statement of this character, which seemed to require any special answer on my part as chief examiner. I have prepared a few statements here in regard to those points.

Purpose of examinations: It is the aim of the examinations to apply the same rules and tests in the selection of employees for the Government service as are now employed with the best results in the management of the most successful private business concerns. It is believed that the nearer this method is approached by the commission the more satisfactory will be the results. I will state that we have adopted the same sort of examination to bring out the question of special ability in any line that is adopted for filling similar positions by private corporations and others. In the present stage of commercial development and intense business rivalry it is preposterous to imagine for a moment that the employees of a business firm of any importance are selected for any other reason than their demonstrated superiority for the special line of work at which they are to be employed. The recommendations of each applicant for employment by any of the great banking, insurance, manufacturing, or railroad corporations of the country are most carefully scanned, and the record of each man thoroughly investigated, before it is possible for him to secure employment in their service.

The CHAIRMAN. How do railroad corporations make their selections? Do they do it through a commission or do they leave it to the heads of the departments?

Mr. SERVEN. I believe that they select their people through the same methods that are employed by the Civil Service Commission. I have consulted with several different railroad authorities on this matter, and I find that our present plans correspond very nicely with theirs

where they desire to get anyone for a particularly responsible position. Of course, for their regular positions——

The CHAIRMAN. Do I understand you to say that you are informed that they have a commission to examine applicants for positions?

Mr. SERVEN. No, I do not, except the commission which does the work for each particular company, just as the appointment division used to do for the departments.

The CHAIRMAN. Is it not the fact that they leave that subject entirely to the head of the department in which the individual is seeking employment? Is not the matter entirely in his discretion?

Mr. SERVEN. I think that the corporation at large simply use him as their agent in the selection of their employees and just as the Department under——

The CHAIRMAN. Just as the Secretary of the Treasury would do?

Mr. SERVEN. Just as the Department now under the present law uses the commission as its agent in sifting out the wheat from the chaff.

The CHAIRMAN. But they do not go outside of their organization to have the men selected?

Mr. SERVEN. To get outsiders to come in and examine them? I do not know; but I am inclined to think they do go outside of their organization in getting together their evidence and in asking the advice of people outside of their corporation as to the qualification of those persons. I find they do that very largely; and one of the things very necessary now to get employment, perhaps of even the most humble character in one of the railroad corporations is the indorsement of those who are outside.

The CHAIRMAN. But you misunderstood me.

Mr. SERVEN. Pardon me.

The CHAIRMAN. I did not mean to say that they do not go outside for information. I meant to say that they do not go outside for a commission or some one to examine applicants, but that the examination is conducted by the heads of the different departments where the applicant seeks to be employed.

Mr. SERVEN. Yes, sir; as I understand it is done in this way; the information which is gotten outside by others is usually brought there and submitted to them.

The CHAIRMAN. Oh, yes; but the employment is left entirely with the heads of the different departments.

Mr. SERVEN. Yes, sir; the selection as to which is the most valuable man. Why should not the same method be adopted for the selection of employees in the Government service? This view seems to be in full sympathy with the intent of Congress as expressed in the law providing for the sifting of applicants for Government positions by means of open competitive examinations to be conducted under the authority of the Civil Service Commission.

From a careful review of the conditions prevailing in the public service it appears that three general classes of examinations are required to properly meet the demands upon the commission. The first general class embraces those designated to test merely the general intelligence and adaptability of the competitors—for example, the examinations for ordinary clerks, messengers, etc. The second general class contains appropriate tests of general intelligence, combined with those specially designed to bring out the particular information needed to satisfactorily perform the duties of technical, professional, and scientific positions in the service, such as bookkeeper, stenographer and typewriter, examiner of patents, weather observers, draftsmen, civil engineers, etc.

The third general class of examinations are those where no educational qualifications are necessary to satisfy the requirements of the service, but where some peculiar experience or skill is demanded either in a mechanical or other special line.

I notice in the evidence presented to your committee the statement has been made that the commission's examinations refer solely to knowledge of text-books. I desire to show that the commission has held examinations designed to bring out qualifications which have been developed by long business or professional experience. It is not by accident, as has been stated in the evidence before your committee, that the commission has inquired into an applicant's all-around ability.

For positions requiring high technical scientific reasearch coupled with executive capacity, as for the position of chief of the anthropological section of the Smithsonian Institution, the following questions were used with the most satisfactory results:

(1) What is the present state of your health?

(2) Give names and addresses of five persons who have personal knowledge of your experience in and capacity for the duties of the position which you seek (the persons named should be in addition to those who sign the vouchers for applicant).

(3) Give a list of your publications, stating where they may be found.

(4) If you have made original drawings illustrating studies in anthropology, submit samples; or, if published, state where such may be found.

(5) What training have you had as an anthropologist, including term of service in connection with any museum or organization devoted to original research?

(6) State the experience which you have had as a curator of anthropological collections.

(7) State what positions you have held where administration of collections and direction of assistants have been necessary.

(8) State the experience which you have had in field work, including original investigations and collecting.

(9) Write an essay of not less than 500 words upon the administration of anthropological collections in a museum.

That is a highly scientific position which also requires original research.

For positions requiring broad professional attainments and a high degree of executive ability, as for Supervising Architect, the following questions were used:

(1) Give a statement in detail of your general and technical education and training.

(2) State your practical experience in the various branches and details of architectural work.

(3) State by whom, when, where, and for what length of time you were employed and the nature of the work performed by you in each case.

(4) (*a*) State your experience in designing architectural work; (*b*) state your experience as a superintendent of construction; (*c*) state your experience in the general management of architectural work.

(5) (*a*) What buildings have been designed by you? (*b*) What buildings have been constructed under your supervision?

(6) In connection with each of these buildings give (1) The name of the building or the name of the owner, and if not, designed by you, the name of the architect; (2) the city and State in which located, together with location in the city; (3) the materials of which constructed; (4) any special difficulties encountered in the course of its construction; (5) the general character of the building or the use for which constructed; (6) the size—that is, the approximate dimensions; (7) the style of architecture; (8) when commenced and when completed; (9) the names of at least two trustworthy persons who have a knowledge of your work in connection with each building.

(7) Write a thesis of not less than 1,000 words giving in detail your views as to the most appropriate styles of architecture for public buildings, and the most economical methods of constructing them, and also stating the advantages or disadvantages of securing the designs for public buildings by competition among American architects, and the advantages or disadvantages of having such designs prepared in the office of the Supervising Architect of the Treasury.

(8) Write a thesis of not less than 1,000 words making a full statement of the experience you have had in supervising and directing architectural, office, and field

work of subordinates or assistants, and giving your views as to the general administrative policy which should be pursued in successfully carrying on the work of a supervising architect, especially the work of the Supervising Architect of the Treasury.

(9) The drawings—22 in all—handed to you with this sheet are the plans and elevations of the Federal building at Pueblo, Colo. The arrangement of this building has been approved by the Treasury Department. With the information conveyed by these plans and elevations draw up a complete scheme of competition for a public building of similar scope.

(10) The drawings—17 in all—handed you with this sheet are plans and elevations of the Federal building at Salina, Kans. Write an essay criticising the entire scheme as to (*a*) its artistic merit, (*b*) its convenience of arrangement, and (*c*) its economy of construction.

As an example of the questions used in an examination which does not require either high scientific, professional, or mechanical qualifications, but peculiar characteristics, the following questions are given, which have been used in the examination for post-office inspector. In this post-office inspector's examination the first special subject is writing reports, and the competitor is advised as follows:

Writing reports.—To the competitor: Make in the form of a letter a report embodying the facts furnished below, and make such recommendations as you deem proper, giving your reasons therefor.

Statement of facts.—On the night of January 10, 1897, a pouch containing 25 registered letters and 8 registered packages was reported stolen at W. M. Investigation by a post-office inspector discloses the following:

S. P., the registry clerk, locked the pouch that night at 8 o'clock, and before leaving the office for his home deposited it in a conspicuous place near the door of the mailing room, to be taken by the messenger with the other mail matter to the 12.05 a. m. train for New York City and the West.

R. J. and W. M., night mailing clerks at the office, state that while the messenger was loading the pouches and sacks for this train, they were busy closing the mail, and after the messenger had gone noticed that he had failed to take the registered pouch; whereupon R. J. volunteered to carry it to the train. He left the office at 11.55 p. m., and states that when passing Cherry street on his way to the depot he was struck down from behind by some person whom he did not see or hear, and when he regained consciousness the pouch was gone; he immediately notified the police and returned to the office Clerk W. M. states that R. J. returned to the office at 12.20 a. m. greatly excited; his hat was battered and his clothes soiled, but no marks of violence appeared on his person. On account of his nervous condition he went home. At about 1.30 a. m., W. M., on closing the office, was accosted by a man unknown to him, who inquired if R. J. had gone home, and after taking a cup of coffee at a lunch cart, saw a person whom he thought to be this same man talking to the messenger near the stable where the messenger kept his horses.

On January 11 the pouch was found in a clump of bushes in the northern section of the city, a mile and a half from the alleged place of robbery. The lock had been opened with a key and the contents of the pouch taken. The lock was an ordinary pouch lock, and but two keys for such locks were in the city—one in the mailing room of the office attached by a chain to a post and the other in possession of the messenger by permission of the postal authorities. The messenger still has the key, and accounts for his whereabouts from the time he left the office until he returned after the robbery. He confirms the statement of W. M. relative to the man seen talking to him; states that the man was unknown to him; thinks he was a reporter.

The CHAIRMAN. That is a part of the examination?

Mr. SERVEN. It is a part of the examination for post-office inspector, which is of a peculiar character, submitting a case for him. This is what has been used in an actual examination recently. Then he is given an examination of post-office accounts, with schedules of fees and instructions.

Elements of bookkeeping and of accounts.—The money-order transactions at a certain post-office for the week ending February 10, 1896, were as follows:

Money-order fund on hand Feb. 3, $358. Feb. 5, issued money orders, $78.25 and $61; paid money orders, $59.65 and $39.60. Feb. 6, issued money orders, $48.90 and $75; paid money orders, $86 and $27.50. Feb. 7, issued money orders, $3.85 and $78.90; paid money orders, $49.65 and $9.35. Feb. 8, issued money orders, $78.92 and $40.08; paid money order, $14.65. Feb. 9, issued money order, $30; paid money

order, $18.75. Feb. 10, issued money order, $75.60; paid money order, $84.50; postmaster deposited in bank to the credit of Post-Office Department, $165.50.

Make a statement of the postmaster's account.

Schedule of fees which the postmaster must collect from the public on issue of money orders:

For sums not exceeding $2.50	3 cents
Over $2.50 and not exceeding $5	5 cents
Over $5 and not exceeding $10	8 cents
Over $10 and not exceeding $20	10 cents
Over $20 and not exceeding $30	12 cents
Over $30 and not exceeding $40	15 cents
Over $40 and not exceeding $50	18 cents
Over $50 and not exceeding $60	20 cents
Over $60 and not exceeding $75	25 cents
Over $75 and not exceeding $100	35 cents

Then he is given a statement of receipts in order to calculate the salary of the postmaster.

Under the law the salary or compensation of postmasters at fourth-class offices consists of—

(1) All box rents, if there are any.

(2) Commissions on the amount of postage due stamps, ordinary postage stamps, stamped envelopes, postal cards, and newspaper and periodical stamps canceled on matter actually mailed at their offices, and on amounts received from sales of waste paper, dead newspapers, printed matter, and twine sold at the following rates: On the first $50 or less, 100 per cent; on the next $100 or less, 60 per cent; on the next $200 or less, 50 per cent; on the excess above $350, 40 per cent.

In no case is the compensation of a postmaster of this class to exceed $250 in any one quarter.

During the year a postmaster's account appears as follows:

Quarter.	Box rent.	Cancellation of 2-cent stamps.	Cancellation of 1-cent stamps.	Cancellation of postal cards.	Cancellation of stamped envelopes.	Sale of waste paper, etc.	Sale of twine.
First	$105.80	$81.98	$16.41	$5.86	$15.00	$4.60	$6.58
Second	101.50	81.10	41.12	6.16	29.22	4.83	1.97
Third	88.40	51.46	22.32	14.08	32.14	1.75	2.80
Fourth	126.75	99.00	33.08	19.40	34.05	2.89	3.84

What was the salary of the postmaster?

Then he is given a series of questions on the postal laws and regulations and general geography:

(Eighth subject.) Geography, Constitution, and postal laws and regulations of the United States.

(1) What State borders both Lake Champlain and the State of New Hampshire? What Territory borders both New Mexico and California? What State borders both Nevada and Wyoming? What State borders both Indian Territory and the Gulf of Mexico? What State borders both Lake Superior and South Dakota?

(2) Name the largest city in and the largest river in or bordering each of the following-named States: Massachusetts, Indiana, Louisiana, Montana, Oregon.

(3) In what State or Territory is each of the following-named cities located: Bangor, Albuquerque, Walla Walla, Dubuque, Raleigh, Racine, Ogden, El Paso, Utica, Annapolis?

(4) Name the capital of each of the following-named States or Territories: Connecticut, West Virginia, Texas, Wisconsin, Arizona, New Jersey, Nevada, North Dakota, Georgia, Missouri.

(5) In what State or Territory is each of the following named: The Catskill Mountains, Puget Sound, Moosehead Lake, Pikes Peak, source of the Mississippi River?

(6) State in full what is requisite to the issuance of a search warrant, as provided by the Constitution.

(7) (*a*) What form of trial does the Constitution provide for all crimes, with one exception? Name the exception. (*b*) What is provided by the Constitution as to where trials for crime shall be held?

(8) (*a*) What, if any, is the liability of the Government in case of loss of registered matter? (*b*) State the different means employed to secure the safety of registered matter.

(9) (*a*) What persons are prohibited from being concerned in a contract for carrying the mails? (*b*) For what length of time may contract be made for carrying mails on land? On sea?

(10) (*a*) State the limitations as to the amount for which a single money order may be issued. (*b*) State all the limitations and conditions as to the aggregate amount for which money orders may be issued to one person, and give the reasons for the limitations and conditions.

(Ninth subject.) Instructions to competitor: Some person will be pointed out to you for description. Notice him carefully and then write a telegram to the U. S. marshal at Denver, Col., notifying him that M. H. will arrive on some train which should be designated and that a warrant is out for his arrest, on charge of rifling registered mail. Describe the person pointed out with such fullness and accuracy as to enable the marshal to identify him as he leaves the train. Make dispatch as brief as possible. Only fifteen minutes will be allowed for writing this description.

The competitor was also tested in spelling, letter-writing, and arithmetic.

There is one other peculiar examination, the examination for surfmen in the Life-Saving Service, for which the particular qualifications are as surfman or as boatman in the surf and sound physical condition. I have here the questions which are used, which go largely to bring out the particular experience the applicant has had either as surfman or as boatman or as a fisherman or waterman. It has with it a physician's certificate certifying that he is of sound physical condition. For positions where physical ability and special experience were the prime requisites, as for surfman in the Life-Saving Service, the following questions are used, simply showing prior experience and sound physical condition:

1. (*a*) What is the number of the life-saving district and the section in which you reside? (*b*) In what section or sections will you accept employment? (*c*) How far inland do you reside from the ocean, bay, or sound shore, or the shore of the Great Lakes?

2. Answer the inquiries in the following table as to citizenship, place and date of birth, and age. (If a naturalized citizen, your certificate of naturalization, or your father's certificate of naturalization, if you were naturalized while a minor, with proof of the relationship, must be forwarded with the application. It will be returned to you.)

Are you a citizen of the United States? Place of birth. Date of birth (give month, day, and year). Age on last birthday.

3. Of what State or Territory and county or parish are you now an actual, bona fide (legal) resident, and how long have you been such resident thereof? (Continuous residence to exact date of application must be shown.)

4. State where and how long you attended school, and the studies you pursued.

5. Answer the inquiries in the following table as to employment in the Government service:

Were you ever in Government service? In what branch employed? For what period? Did you voluntarily resign? Were you discharged for cause?

6. Answer the inquiries in the following table as to military or naval service in the United States (service in State militias not required):

Were you ever in the United States military or naval service? In what company and regiment, or on what vessel? Date of discharge. Was the discharge on account of disability?

7. What has been your place of abode and occupation during each of the past four years?

8. Have you any other application on file, or is your name now on any register for appointment in any branch of the classified service? If so, for what branch and for what position?

9. Are you or have you been married?

10. Are any members of your family, or any of your relatives, in the service of the United States Government? If so, state who they are, in what position, in what branch of the service, and the relationship.

11. Have you ever been convicted of, or indicted for, any crime? If so, inclose herewith a certified copy of the court proceedings, showing the essential facts in the case.

12. (*a*) Are you addicted to the use of intoxicating beverages, tobacco, morphine, or opium? If so, to which and to what extent? (*b*) Have you ever been addicted to the use of any of these articles? If so, to which and to what extent?

13. Are you physically capable of a full discharge of the duties of a surfman? Have you any defect of sight in either eye? Have you any defect of speech? Have you any defect of limb? Have you any defect of hearing? Have you any chronic disease? What is your height, measured in your bare feet? What is your weight, in your ordinary clothing?

14. Have you any mechanical skill, or any trade, or any special experience or qualification which, in your opinion, would be serviceable to the Government? If so, state what it is and the length of your experience.

15. If you have had experience in any or all of the following occupations, state how long and at what place or places you have had such experience. If your experience as a surfman consists of service as such in the Life-Saving Service, write "L. S. S." in the parenthesis below opposite the word surfman; if as a surf fisherman, write "S. F."; if as a wrecker, write "W." The term surfman includes all of these occupations.

16. Give the names and addresses of the persons under whose direction, or in whose employ, you served in the occupation or occupations above mentioned, stating the length of time you served with each, and whether as a surfman, surf fisherman, wrecker, sailor, or boatman.

17. Are each and all of the answers to the foregoing questions in your own handwriting?

The vouchers must be in ink and in the handwriting of the signers. The persons who sign the vouchers are notified that they may be called upon to furnish further information concerning their knowledge of the applicant.

VOUCHER No. 1.

Place ——, date ——.

I hereby certify that I am —— years of age, that I am a legal resident of the State of ——, that I have been such resident for —— years, that for —— years I have known ——, living at —— that he is able-bodied, of good character, and of sober and industrious habits; and that in these respects he is qualified for the position of surfman in the Life-Saving Service.

I further certify that my answers to the following questions are true to the best of my knowledge and belief.

1. What is the applicant's trade or occupation?
2. How long has he served at his trade or occupation?
3. How long and where has he had experience as a surfman? From ——, 18—, to ——, 18—. Place, ——.
4. How long and where has he had experience as a sailor? (Not as a surfman.) From ——, 18—, to ——, 18—. Place, ——.
5. How long and where has he had experience as a boatman? (Not as a surfman.) From ——, 18—, to ——, 18—. Place, ——.
6. Is he, in your opinion, fully qualified for the position of surfman?
7. In what respects do you regard him as qualified for the position of surfman?
8. Have you ever employed the applicant? If so, where, how long, and in what capacity?
9. How have you obtained your knowledge of the applicant with respect to the information which you have given in this certificate?
10. Are you related to the applicant? If so, state the relationship.

(Name.) —— ——.

(Residence.) ——. (Occupation.) ——.

VOUCHER No. 2.

Place ——, Date ——.

I hereby certify that I am —— years of age; that I am a legal resident of the State of ——; that I have been such resident for —— years; that for —— years I have known ——, living at ——; that he is able-bodied, of good character, and of sober and industrious habits, and that in these respects he is qualified for the position of surfman in the Life-Saving Service.

I further certify that my answers to the following questions are true, to the best of my knowledge and belief.

1. What is the applicant's trade or occupation?
2. How long has he served at his trade or occupation?
3. How long and where has he had experience as a surfman? From ——, 18—, to ——, 18—. Place ——

4. How long and where has he had experience as a sailor? (Not as a surfman.) From ——, 18—, to ——, 18—. Place ——.

5. How long and where has he had experience as a boatman? (Not as a surfman.) From ——, 18—, to ——, 18—. Place ——.

6. Is he, in your opinion, fully qualified for the position of surfman?

7. In what respects do you regard him as qualified for the position of surfman?

8. Have you ever employed the applicant? If so, where, how long, and in what capacity?

9. How have you obtained your knowledge of the applicant with respect to the information which you have given in this certificate?

10. Are you related to the applicant? If so, state the relationship.

(Name) —— ——,

(Residence) ——. (Occupation) ——.

MEDICAL CERTIFICATE.

Each applicant for the position of surfman is required to furnish the following medical certificate, which must be executed by a medical officer of the Marine-Hospital Service.

N. B.—The medical officer is requested to read this certificate carefully before beginning the examination.

All entries upon this certificate must be written in ink.

1. What is the applicant's exact height in his bare feet? (The physician must measure the applicant.)

2. What is the applicant's exact weight in his ordinary clothing, without overcoat or hat? (The physician must weigh the applicant.)

3. Did you yourself weigh and measure the applicant?

4. What is the condition of the applicant's sight? (If possible, the test should be made with Snellen's cards and expressed in twentieths.) If the applicant has any defect of sight in either eye, describe fully. Is the applicant color-blind? If so, to what extent?

5. What is the condition of the applicant's hearing? (State the distance, in feet, at which he can hear the ticking of a closed watch held in the open hand, testing each ear with the other plugged.) If he has any defect of hearing in either ear, describe fully.

6. What is the condition of the applicant's speech? If he has any defect of speech, describe fully.

7. What is the condition of the applicant's limbs? If he has any defect in either arm or in either leg, describe fully. [Varicose veins, ulcers, or any deformity should be specially reported.]

8. Has the applicant any rupture, either inguinal, ventral, or femoral? If he has a rupture, describe fully, stating extent, whether or not it is kept in place by a truss, and if the retention is satisfactory.

9. Has the applicant varicocele, hydrocele, internal or external piles, fistula in ano, or any genito-urinary disease, or any cutaneous disease? If so, describe the disease, and state to what extent the applicant is afflicted.

10. Has the applicant any defect in the functions of the brain or nervous system? If so, describe the defect, and state to what extent the applicant is affected.

11. Give the measurements of the applicant's chest: At rest; at full inspiration; at full expiration.

12. Is the applicant's respiration full, free, and unobstructed in both lungs? If not, state to what extent obstructed.

13. State the frequency of the action of the applicant's heart: When sitting; when standing; when standing after brief exercise. (The applicant should be required to hop on one foot the distance of about 12 feet.)

14. Are there indications in the heart's action of organic, muscular, or nervous derangement? If so, describe fully.

15. Has the applicant any form of disease, acute or chronic, deformity, or disability of any nature whatever not referred to in the preceding questions? Is so, describe fully.

16. Are there indications that the applicant is addicted to the excessive use of intoxicating beverages, tobacco, or narcotics in any form? If so, describe fully.

17. Is the applicant capable of prolonged, severe physical exertion, and equal to the demands of a very exhausting occupation?

18. Do you discover in the applicant any form of or tendency to disease or disability which is likely to unfit him for the performance of the work of the position which he seeks?

19. During the past five years has the applicant had any disease, acute or chronic, of any nature whatever? If so, describe it fully and give the length of time he was incapacitated by reason thereof.

Then I have the questions here which are asked for most of those on the list of skilled laborers that I handed you a moment ago. Shall I go over any of those?

The CHAIRMAN. You may give a few of those questions.

Mr. SERVEN. The applicant makes a statement as to how long he has served at his apprenticeship and how long as a full-fledged journeyman; how long he has worked at his trade, and since beginning work; whether he has been continuously employed at that trade, or if he has not, why he has not been, and what he has done, and whether he is employed at it at the time he makes application, and if not, what he is employed at. Then he is asked to what extent, in his judgment, he is a skilled and rapid workman in the details of his special trade, and then comes the question as to his general physical condition, and he has to give the names of his employers or those who have worked with him and who are in a position to know what he has done in the way of experience. He swears to the truth of those statements.

Then there are special vouchers furnished which ask questions to corroborate or not to corroborate his statements as to his experience, and then the question is asked, "In what particular branch of the trade or occupation for which he seeks to be examined is the applicant most proficient, and, as far as you know, how long has he been employed in that branch?" "Has the applicant a good knowledge of any other branches of the trade or occupation for which he seeks to be examined? If so, state what branches." "Considering skill, care, industry, and rapidity, how would you rate him as a workman at the trade or occupation for which he seeks to be examined?" Then there are separate answers to be given under each head: "Skill," "Care," "Industry," "Rapidity." "Do you know of any branch of his trade or occupation in which he is not entirely competent?" "Would you yourself give him employment in which great care and skill are required at the trade or occupation for which he seeks to be examined?" "Is the applicant addicted to the use of intoxicating liquors? If so, to what extent?" "What is his general reputation and standing in the community in which he resides?" "Do you know of anything further to the credit or discredit of the applicant as a workman at the trade or occupation for which he seeks to be examined?" Those vouchers are furnished, and then the references are furnished for any further information that the appointing officer may desire. I submit the complete set of questions used for positions requiring mechanical skill.

The matter referred to is as follows:

FOR THE TRADES AND SKILLED OCCUPATIONS.

SUPPLEMENTARY CERTIFICATES.

Each applicant for employment in any of the recognized trades, or in any occupation requiring skill or experience, must, in addition to completing the regular application on Form No. 304 and the vouchers thereon, fill out the statement hereon, and have the vouchers as to trade qualifications executed. The persons making the vouchers should, if practicable, be those by whom the applicant has been employed, or under whom or with whom he has worked at the trade or occupation for which he seeks to be examined. The persons may be the same as those by whom the vouchers on the regular application blank were executed. In case the applicant has not been in the employ of two persons or firms, one voucher may be filled out by a foreman or fellow-workman. No applicant for employment in any of the recognized trades in the Government Printing Office will be examined unless he has served five years at the particular trade in which he desires to be employed, at least three years of which service must have been rendered as an apprentice. Applicants who pass an examination and receive appointment will be given a practical trial when they

report for duty, and will be liable to immediate discharge if it is found that they do not possess the requisite skill or ability.

Applicants are informed that those who receive appointment to any of the trades or skilled occupations may be required to undergo a physical examination and furnish a physician's certificate, upon reporting for duty. Applicants for trades positions in the United States Engineer service, or in the Ordnance service, should file their applications and this form with the board of examiners at the headquarters of the Engineer district, or at the arsenal, in which employment is desired. (See secs. 204-206, "Instructions to applicants.")

STATEMENT BY THE APPLICANT.

All answers must be in ink, and should be in the handwriting of the signer, provided that an applicant for a position for which no educational test is required may, if he can not write, have the application executed in the handwriting of some other person.

1. For what trade or occupation have you made an application? In what branch of the service?

2. What length of apprenticeship, if any, is required in the trade or occupation for which you have applied?

3. Have you served an apprenticeship at the trade or occupation named? How long did you serve as an apprentice?

4. How long have you worked at the trade or occupation for which you seek to be examined?

5. Since beginning work, have you been continuously employed at the trade or occupation for which you seek to be examined? If not, for what periods have you been continuously employed?

6. Are you now employed at the trade or occupation for which you seek to be examined?

7. If you are not now employed at said trade or occupation, when did you quit work at it, and for what reason? (Avoid any allusion to politics or religion.) At what are you now employed?

8. To what extent are you a skillful and rapid workman in all the details of the trade or occupation for which you seek to be examined? (Answer fully and specifically.)

9. What is the present state of your health?

10. During the past five years, have you had any disease, acute or chronic, of any nature whatever? If so, describe it fully and give the length of time you were incapacitated by reason thereof.

11. Does the trade or occupation for which you seek to be examined require a license?

If so, have you such a license? State the kind and grade of license, the number, the date, and by whom issued.

[In cases in which a license is required, the applicant may be called upon to submit it.]

12. Give the names and addresses of four persons, preferably employers, who have knowledge of your experience and capacity in the trade or occupation for which you seek to be examined.

[The persons named should be in addition to those who signed the vouchers for the applicant.]

I certify, on honor, that the answers to the foregoing questions are in my own handwriting, and are true in every particular.

(Signature of applicant.) ——— ———,

(Post-office address.) ——— ———.

Date, ——— ———, 189—.

VOUCHER No. 1.

All answers must be in ink, and in the handwriting of the signer.

1. What is the name of the applicant for whom you furnish this certificate? [First name, middle initial, or initials, if there be any, and last name should be correctly given.] For what position, and for what branch of the service, is he an applicant?

2. Is he at present employed? If so, by whom, at what trade or occupation, and at what salary?

3. Has the applicant been employed by you, or worked with or under you, at the trade or occupation for which he seeks to be examined? How long has the applicant been employed by you, or worked with or under you, as an apprentice at the trade for which he seeks to be examined, and how long as a journeyman?

4. How long to the best of your knowledge has the applicant worked at the trade or occupation for which he seeks to be examined?

5. If the applicant has left your employ, or the person or firm by which you are employed, state when and why he left.

6. In what particular branch of the trade or occupation for which he seeks to be examined is the applicant most proficient, and as far as you know how long has he been employed in that branch?

7. Has the applicant a good knowledge of any other branches of the trade or occupation for which he seeks to be examined? If so, state what branches.

8. Considering skill, care, industry, and rapidity, how would you rate him as a workman at the trade or occupation for which he seeks to be examined? [Answer in each of the several columns by the use of one of the following words: "Poor," "Average," "Good," "Excellent."]

9. Do you know of any branch of his trade or occupation in which he is not entirely competent?

10. Would you yourself give him employment, in which great care and skill are required, at the trade or occupation for which he seeks to be examined?

11. Is the applicant addicted to the use of intoxicating liquors? If so, to what extent?

12. What is his general reputation and standing in the community in which he rasides?

13. Do you know of anything further to the credit or discredit of the applicant as a workman at the trade or occupation for which he seeks to be examined? Answer fully and specifically.

I certify, on honor, that the answers to the foregoing questions are in my own handwriting, and are true in every particular to the best of my knowledge and belief.

Date,——— ———, 189—

(Signature of voucher.)——— ———
(P. O. address.)——— ———

VOUCHER NO. 2.

All answers must be in ink and in the handwriting of the signer.

1. What is the name of the applicant for whom you furnish this certificate? [First name, middle initial or initials, if there be any, and last name should be correctly given.] For what position and for what branch of the service is he an applicant?

2. Is he at present employed? If so, by whom, at what trade or occupation, and at what salary?

3. Has the applicant been employed by you, or worked with or under you, at the trade or occupation for which he seeks to be examined? How long has the applicant been employed by you, or worked with or under you, as an apprentice at the trade for which he seeks to be examined, and how long as a journeyman?

4. How long to the best of your knowledge has the applicant worked at the trade or occupation for which he seeks to be examined?

5. If the applicant has left your employ, or the person or firm by which you are employed, state when and why he left.

6. In what particular branch of the trade or occupation for which he seeks to be examined is the applicant most proficient, and as far as you know how long has he been employed in that branch?

7. Has the applicant a good knowledge of any other branches of the trade or occupation for which he seeks to be examined? If so, state what branches.

8. Considering skill, care, industry, and rapidity, how would you rate him as a workman at the trade or occupation for which he seeks to be examined? [Answer in each of the several columns by the use of one of the following words: "Poor," "Average," "Good," "Excellent."]

9. Do you know of any branch of his trade or occupation in which he is not entirely competent?

10. Would you yourself give him employment, in which great care and skill are required, at the trade or occupation for which he seeks to be examined?

11. Is the applicant addicted to the use of intoxicating liquors? If so, to what extent?

12. What is his general reputation and standing in the community in which he resides?

13. Do you know of anything further to the credit or discredit of the applicant as a workman at the trade or occupation for which he seeks to be examined? Answer fully and specifically.

I certify, on honor, that the answers to the foregoing questions are in my own handwriting, and are true in every particular, to the best of my knowledge and belief.

Date, ——— ———, 189–.

(Signature of voucher.) ——— ———.
(P. O. address.) ——— ———.

In the Government Printing Office special questions are prepared which every applicant for a position there which is recognized as a trade has to answer, and then there are special trade questions. For the trades positions in the Government Printing Office the following questions have been used:

Question 1. How long did you serve as an apprentice?
Question 2. How long have you served as a journeyman?
Question 3. Give the names and locations of the offices in which, or the names of the firms with which, you learned your trade.
Question 4. Give the names and locations of the offices or firms where you have been employed as a journeyman.
Question 5. Give the length of time you were employed by each office or firm as a journeyman, including only those where you were employed not less than six months.
Question 6. Give the exact character of the work you have been engaged upon while employed by each office or firm. (Be careful to specify every branch or kind of work on which you have been employed.)
Question 7. Give any additional information which you may desire, bearing upon your trade qualifications and experience.

Those questions are given to all the applicants for trade positions there. Then come the pressmen, the bookbinders, the compositors, and the electrotypers.

The CHAIRMAN. Are the applicants for those positions required to stand a scholastic test in addition to the practical questions?

Mr. SERVEN. Yes, sir; they are now. Possibly eight months ago, just shortly after General Palmer took the office of Public Printer, we consulted with him and his advisers there as to any suggested changes in the examinations, and at that time there was not much change suggested.

The CHAIRMAN. Among other things, are they required to stand an examination as to handwriting?

Mr. SERVEN. Yes, sir; that is one of the subjects in the educational examination. Again, very recently, within the last month I took a letter down there in person to the Public Printer and asked him to consider it and suggest if at this time he thought it was advisable to make any changes in the Printing Office examinations to make them more practical, and so far I have not heard that he has suggested anything. The following are questions in addition to those just stated which are used in particular trades positions in the Government Printing Office:

PRESSMAN.

* * * * * * *

Question 8. On what kind of presses have you worked?
Question 9. What class of work do you consider yourself most capable of handling? (Book, job, color, or cut work?)
Question 10. Have you ever run a web press? If so, state whether you did book or newspaper work.
Question 11. How should a pressman proceed to get a cylinder press ready for printing, after the press has been set up, if it has never before been used?
Question 12. Is hard or soft packing most desirable for good work? Why?
Question 13. If the feeding has been correct, and yet there has been faulty register, where would you look for the defect?
Question 14. What material do you consider best suited for cleaning new rollers?
Question 15. When is lye beneficial for cleaning rollers?
Question 16. (*a*) How would you make purple ink? (*b*) How would you make green ink?
Question 17. In making forms ready, (*a*) when should an overlay be made, and (*b*) when an underlay?
Question 18. In running presses what do you consider your duty toward your employer?
Question 19. State briefly how to run presses so as to obtain the best results.
Question 20. Impose a 16-page form.

BOOKBINDER.

* * * * * * *

Question 8. Into what principal classes or branches of work is bookbinding divided?

Question 9. With what branch are you most familiar?

Ruling.

Question 10. Is ruling subdivided into minor branches? If so, name them.

Question 11. How are pens classified?

Question 12. With what kind of faint-line ink are you most familiar?

Question 13. Supposing the machine to be adjusted, describe how you would set the pens for a pattern for ruling.

Question 14. Describe the course of the paper from guide to box on a double-cloth ruling machine.

Question 15. Give, as near as you can, a list of the sizes and weights of paper, with the names used to designate the different sizes.

Question 16. What is "registering?"

Question 17. What knowledge should a good ruler have of ruling machines and inks?

Forwarding.

Question 18. What do you understand by the term "forwarding?"

Question 19. Describe the particular branch of forwarding with which you are most familiar.

Question 20. Give as complete a list as you can of the various materials used in forwarding.

Question 21. What is (*a*) the "joint" on a printed book; (*b*) on a blank book?

Question 22. What are the "squares" on a book?

Question 23. What is a "rod" used for in forwarding?

Question 24. What is a "round," and how is it made?

Question 25. What is "strapping" a book?

Question 26. Name the different styles of forwarding.

Finishing.

Question 27. Name the principal branches of finishing.

Question 28. Describe the particular branch of finishing with which you are most familiar.

Question 29. State (*a*) which glair you prefer for blank work and (*b*) which for job work; and state the reasons for your preferences.

Question 30. Is it necessary to let glaired books become hard and dry before finishing? Give the reasons for your answer.

Question 31. Describe fully the operation of stamping.

Question 32. Which leather, russia or morocco, requires the greater heat for lettering? Give the reasons for your answer.

Question 33. Describe the various stages in finishing a russia ends and bands blank book from forwarder to its delivery.

Question 34. In indexing a blank book for which no scale is given, how would you decide which letters of the alphabet should be given the most leaves?

PRESS FEEDER.

* * * * * * *

Question 8. How long have you been feeding presses?

Question 9. With what class of work are you most familiar? (Name the work, as book, job, or color work.)

Question 10. Give the kinds and names of the presses you have fed? (Cylinder or platen.)

Question 11. What is the size in inches of the largest sheet that you have fed?

Where the qualifications required were those of an expert in some special line, as for designer of bank notes, the following questions have been used:

(1) Write a letter stating where, when, in what manner, and under whose instruction you received your training as a designer; (2) the length of time you were

under instruction in designing; (3) the character or kinds of designing work upon which you have been chiefly engaged; (4) the names and locations of all persons or firms by whom you have been employed as designer since the completion of your instruction in designing; (5) the nature of the work done for each person or firm; (6) the length of time you worked for and the rate of wages you received from each person or firm.

Competitors were also required to submit samples of their work properly verified.

I have just selected these as a few of the different varieties of examination other than scholastic which we give for the purpose of bringing out the other peculiar qualifications as a sort of comment on what is found in Mr. Butterworth's letter and other statements that have been made before the committee that we could not examine into those things. These few illustrations should demonstrate the ability of the commission to make the same investigation and to apply the same tests as would be employed were the position to be filled in private life instead of in the Government service, and with equally satisfactory results. Every applicant for examination is now required, as a part of his examination, to answer the following questions, which will indicate to the appointing officer the exact experience which he has had:

Question 1. Name all the trades, professions, or other different occupations in which you have been engaged, giving the place and approximate length of service in each case, and stating with what degree of success you have pursued any of the occupations mentioned.

Question 2. (*a*) If you are now employed, state what salary you are receiving, and also state the highest salary you have received in any employment, naming the employment, and the person, firm, or corporation by whom you were employed. (*b*) For how long a period do you believe you will desire employment in the Government service?

Question 3. State the qualifications you possess, and the experience you have had, which, in your opinion, fit you for the position for which you have been examined.

In cases where the information brought out by these means does not appear to be fully satisfactory concerning the applicant's ability, the commission is ready, whenever desired, to make more thorough and exhaustive investigation of each applicant's personal characteristics and qualifications.

The CHAIRMAN. In a case where an applicant fails to secure a rating that would entitle him to go on the eligible list, do you then pursue that policy and permit him to go before the commission?

Mr. SERVEN. No, sir; that depends on the Department rather than the commission. It depends on the Department in this: We prepare certain questions to bring out certain things, and if those questions do not bring out all the Department wants, then the Department suggests that something additional in some particular line is desirable, and then we give what is required in addition.

The CHAIRMAN. That rule, then, applies only to those on the eligible list?

Mr. SERVEN. No, sir; it applies to all who go into the examination, provided the Departments says at the time any particular kind of examination does not bring out all they want on any particular subject.

The CHAIRMAN. Suppose an individual should fail in the examination, he has no redress?

Mr. SERVEN. He has none, unless he is reexamined.

The CHAIRMAN. He has nothing but another examination?

Mr. SERVEN. He could go into a reexamination. The plan, of course, would be the examination for all who went in.

Here is the examination for the position of mounted inspector in the customs service on the Mexican border. The same sort of an examina-

tion is used for similar service where the principal things required are bravery and ability to use a gun well, and natural shrewdness.

The CHAIRMAN. For what department is that examination held?

Mr. SERVEN. This is the position of mounted inspector on the Mexican border. It is in the customs service. These very questions are used for the same sort of an examination, and they are used for similar positions.

The CHAIRMAN. Are they used for the secret service

Mr. SERVEN. No, sir; this particular kind of examination has not been used in the secret service. The Treasury Department has not asked us to get this kind of people, because they have had a supply.

The CHAIRMAN. What kind of questions do you ask to ascertain whether a man is a man of nerve and determination?

Mr. SERVEN. These are of that class. Applicants were each required to submit a statement made in answer to detailed and searching personal inquiries, the statements showing, among other things, his experience and familiarity: In the use of rifle and pistol; in shooting at target and at game and other moving objects; in shooting on horseback; in riding unbroken horses; in roping, bridling, saddling, mounting, and riding an ordinary cow pony which has been turned loose for six months; in riding an ordinary cow pony on the round-up, both in circle riding and cutting out work among the herd; in being on the trail, in the management of cattle, and classifying them according to age and condition; in brand reading; in conversing in Spanish, as spoken in his community, for ordinary everyday business purposes, etc. Furthermore, detailed vouchers were required from two reputable ranch holders acquainted with the applicant, showing his experience along these same lines; and also that he was capable of great physical endurance, possessed of personal courage, and fitted for dangerous and hazardous employment. These means furnished a thoroughly practical test of ability to perform the duties of a mounted inspector, and no matter how high an applicant's scholastic attainments, he could not be eligible unless found to possess the practical experience and peculiar qualities thus required.

The CHAIRMAN. How do you ascertain whether the man possesses nerve? Do you ascertain it by the fact that he can ride a bucking pony?

Mr. SERVEN. That may be a part of it; but from other evidence shown as to what he has done.

The CHAIRMAN. Certificates as to the character of the applicants for this position are filed along with the examination?

Mr. SERVEN. Yes, sir; and no matter how high the applicant's scholastic attainments may be, he can not be eligible unless he is found to possess the qualities required for that particular service. Similar questions are used for the purpose of bringing out the idea that a man is possessed of daring in dangerous positions, and is willing to take risks.

Special information is obtained for the position of immigrant inspector, where a man of honesty and reliability, of absolute reliability, as far as it can be absolute in human beings, perhaps, is required. These are the questions which have been approved for that purpose by the Treasury Department. Certificates are furnished in answer to the specific questions. The following special information is obtained concerning each eligible:

(1) What is your occupation, position, or business?
(2) How long have you been acquainted with the applicant?
(3) Are you related to the applicant? If so, what is the relationship?

(4) What has been the trade, business, or occupation of the applicant since you became acquainted with him?

(5) Is the applicant at present employed? If so, by whom, at what trade, business, or occupation, and at what salary?

(6) Has the applicant been employed by you or worked with you? If so, at what trade, business, or occupation, and at what salary?

(7) State to what extent you would be willing to employ the applicant in a position where he would have the handling of large sums of money?

(8) State to what extent you would be willing to employ the applicant in a confidential capacity, enabling him to become acquainted with your private business affairs?

(9) Would you be willing to leave the applicant in charge of your business during your extended absence? Give reasons for your answer.

(10) State to what extent you would consider it advisable to put the applicant in charge of a number of men to issue orders and be responsible for the work done by them.

(11) What is the general reputation of the applicant for energy and attention to business intrusted to him?

(12) What is the general reputation and standing of the applicant in the community where he lives?

(13) Has the applicant any personal habits which unfit him for the position sought?

(14) Give any additional facts which will tend to show the fitness or unfitness of the applicant for the position which he seeks.

Those questions are sent to the references which each applicant is required to give of persons who, by reason of their familiarity with him and his life and experience, are supposed to be of authority on those things. The Treasury Department, as I said, have approved that class of questions for that character of qualifications.

In all cases where any particular kind of prior experience is understood to have a material bearing upon the special fitness of applicants, it is the practice of the commission to prosecute an exactly similar investigation as would be conducted in the employment of persons performing similar duty in a private capacity. It is believed that these illustrations will fully satisfy your committee that the commission's examinations are not of necessity solely confined to text-book information, and that it is not by accident, but by well-considered design, that the all-around ability of applicants is ascertained, even though the ability required be of an executive or any other special character.

This is what I wanted to state to-day on the subject. I wished to show that we do employ the same kind of tests that, for instance, would be employed in selecting people if they were not in the classified service. The only objects, as I understand it, of having them in the classified service are, first, that the commission has the machinery to do this work much more economically than it ever was able to be done under the old plan by the departments. I understand that the actual expense in securing people for appointment in the Treasury and the Interior Departments and making appointments before the time of the civil-service law, right along every year, was much more than the expense of all that sort of work in addition to the other work that the Civil Service Commission does.

The CHAIRMAN. How do you make the estimate of which you speak?

Mr. SERVEN. I do not give that as my own estimate except in this way. I do give it as my own estimate by approving the statement, as from all the information that I have been able to gather I think the statement is true. The statement was made to me; I have heard it stated a number of times in that way; and I have made some little investigation as to the number of people employed in the appointment divisions and the amount of time devoted to the sifting out of the hundreds of people who applied for positions and were not selected. I am

frank to say that I believe the statement is a conservative statement as to the economy of the present system, as far as the sifting out of applicants is concerned, to say nothing of any value which the departments may secure by having more efficient employees than they formerly had.

The CHAIRMAN. So you are of the opinion that the only way to test the executive ability of an individual is to have the testimony of those who come in contact with the individual?

Mr. SERVEN. I think that is the best way; it is to find out just what the man has done.

The CHAIRMAN. Is it not the only way by which you can test the executive ability of an individual?

Mr. SERVEN. I think it is the only way that gives any accurate results at all. I think as far as my experience has gone that that is the only way. You can find what a man is worth, you can get right at him, when you find out what he has done; and if there is anything he has not done but seems capable of doing you find out what that is. Experience, I believe, is the most important factor in any man's make-up to indicate his value as a public servant.

The subcommittee adjourned until Tuesday, January 18, 1898, at 10 o'clock a. m.

TUESDAY, *January 18, 1898.*

The subcommittee met at 10 o'clock a. m.

Present: Sentor Pritchard, chairman; also Hon. John R. Procter and Hon. John B. Harlow, members of the Civil Service Commission; Mr. E. D. Bailey, chief clerk; Mr. A. R. Serven, chief examiner; Mr. W. H. Houston, examiner, and Mr. G. R. Wales, of the Civil Service Commission; Mr. George McAneny, secretary of the National Civil Service Reform League, and Hon. Henry M. Baker, acting president of the National Anti-Civil Service League.

CIVIL SERVICE COMMISSION.

TESTIMONY OF A. R. SERVEN, CHIEF EXAMINER—Continued.

Mr. SERVEN. Mr. Chairman, I have the two or three matters you asked me the other day to get. You asked for a statement as to the facts in regard to the 96 people in the Government Printing Office who were reported as classified under the order of May 6, 1896. I find in regard to those that 36 of them were employees who were on the temporary roll at the time the office was originally classified, and that the Public Printer at that time did not construe the rules as applying to anyone on the temporary roll, and therefore did not report those. But the present Public Printer has reported those as a correction to the classification under the order of May 6, saying that they should have been classified. That accounts for 36 of them. I believe they were all compositors—compositors, or proof readers, perhaps. Then of the remaining 60, they were messengers and employees performing clerical duty and other classified work, but they were all borne on the Printing Office roll as laborers. However, an investigation into the duties they were performing convinced the Public Printer that they should have been reported as classified under the original order, and therefore he corrected his classification by including those 60. That accounts for the 96.

The other point that I believe I was to look up was in regard to the total expenses of the commission. You remember that the other day we could not get the figures. I have them now. I find that for all purposes the total expenses of the commission, including salaries, traveling expenses, contingent expenses, general expenses, stationery, printing and binding, miscellaneous supplies, and rent of building, since January 16, 1883, up to and including June 30, 1897, amounts to $823,290.20. I found that the expenses for salaries, traveling expenses, the commission's general contingent expenses, and general expense, amounted to $659,169.16. That was the amount I had in my mind the other day which I gave as $680,000.

The CHAIRMAN. Making a total of how much?

Mr. SERVEN. Making a total of $823,290.23. I endeavored to use that as a basis for getting at the cost of each examination and the cost of each appointment. I find from the best evidence I could get at the office that it seems not more than three-fourths of this amount has been expended on the work of examining applicants and certifying eligibles for appointment. That would amount to $617,467.50. If the total amount of every kind that was spent by the commission in any way in making investigations, in furnishing information of one kind and another and all kinds of general expenses, were apportioned to find the cost of the appointments in that way from each examination—and by the way I will say that there were 300,230 people examined from January 16, 1883, to June 30, 1897——

The CHAIRMAN. Are you able to state how many out of that number have been appointed?

Mr. SERVEN. Yes, sir; I have the number here. Fifty-two thousand five hundred and fifty-seven have been appointed. That is in addition, of course, to just temporary appointments that were made from the register for short periods. Those are the permanent appointments.

The CHAIRMAN. I speak of permanent appointments.

Mr. SERVEN. There were 52,557.

The CHAIRMAN. In this connection I will ask you to give the number of reinstatements made.

Mr. SERVEN. I did not get those. I have not the reinstatements or the transfers, and they, of course, make considerable additional work for the commission. But apportioning the whole expense to the number examined, it appears that at that rate it would only have cost $2.74 for each person examined. On the basis of the amount actually spent for examinations, the cost to the commission of each person examined was $2.05 for each one of the 300,000.

The CHAIRMAN. In making this estimate, have you taken into consideration the time spent in the different departments by clerks in communication with the Civil Service Commission?

Mr. SERVEN. No, sir; I have not.

The CHAIRMAN. Have you also taken into consideration the time lost by clerks composing the various local boards?

Mr. SERVEN. I have not taken in either of those for this reason. The duties that the local boards perform on behalf of the Civil Service Commission they perform in addition to their regular duties. They receive no increase of pay. They receive no more than they did before they were on the board. So there is no additional cost in regard to them.

The CHAIRMAN. Suppose a clerk spends a day outside of the collector's office working as a member on the local board, the Government loses that day's service?

Mr. SERVEN. No, sir; he has to make it up in overtime for the Government. There is no one who takes his place; there is no extra salary paid at all in that case—not one cent.

The CHAIRMAN. Is it a fact that the collector of the district deducts from the pay of the employee working in his office the day's time that he has spent in making the examination?

Mr. SERVEN. No, sir.

The CHAIRMAN. Then how does he make it up?

Mr. SERVEN. He does his extra work usually by working at nights or at odd times as he can. He does his full quota of work in addition to the extra work that he does for the commission.

The CHAIRMAN. Do you not think it is a manifest injustice to the employee to require him to do that?

Mr. SERVEN. Yes, sir; I do. I am inclined to think that it is pretty hard on the clerk who has to do it. Yet it seems that in nearly every office which is classified, where we have a local board, there are employees who take sufficient pride or have sufficient ambition to be anxious to do that work. Frequently since I have been the chief examiner I have had personal letters from employees asking me to use my influence to get the particular officer in charge of the office to have them nominated for positions on the civil service board, because they enjoyed the distinction of it and rather treated it as an honor to be permitted to do that work, although, as I said, when they do that work they have to make up for doing the work by overtime. The only instance where that is not done is in regard to letter carriers who serve on the local examining boards. In that case the Post-Office Department allows a substitute carrier to be put on in place of the regular carrier. But those instances are not very many, for the reason that usually the carrier member of the local board is simply a member, neither the chairman nor the secretary. He holds the third position, and very rarely has he anything to do at the examinations, except in the large cities where the railway-mail examinations are held; that is, in about one hundred places in the country. In the other places the carrier members usually have nothing to do. Those are the only members of local boards where there is any additional cost to the Government for their service.

The CHAIRMAN. I believe you said that you did not take into consideration the fact that quite a good deal of time is consumed in the various departments in corresponding with the commission in respect to appointments and other matters. That you did not deduct?

Mr. SERVEN. No, sir; I did not deduct anything for work in the departments. I will state that in regard to the number examined I made the cost $2.05 apiece on the basis of the amount actually spent for examinations; and taking all the expenses of the commission $2.74 for each person examined is the aggregate that the commission has spent for every purpose since its organization.

The CHAIRMAN. Have you made an estimate as to what it costs to examine the 52,000 who were actually appointed?

Mr. SERVEN. Yes, sir; I find that the total cost for each appointment made during the past fifteen years was $11.75, and that the total cost on the basis of the entire amount spent for every kind of work for the Civil Service Commission would amount to only $15.67 for each appointment. But $11.75 was the amount actually spent for each appointment, for the actual examining and certifying work, until the appointment was made. I think that was the matter you had in mind the other day.

The CHAIRMAN. How are those holding positions such as you hold,

and who act as examiners, appointed? They are appointed by the commission?

Mr. SERVEN. They are appointed by the commission, usually from the commission's registers, occasionally by a transfer from some other department. The commission issues them an appointment.

The CHAIRMAN. Do you ever hold an examination to obtain eligibles for appointment as clerks for the commission?

Mr. SERVEN. No, sir; we have never done so. The commission has always been able to secure the talent that it wanted from the regular registers.

The CHAIRMAN. Were you appointed from the department or from the regular register?

Mr. SERVEN. I was transferred from the Treasury Department. I was in the office of the Comptroller of the Currency.

There is one other point which I was asked the other day to look into. It is the question of reexaminations. I attempted to get as much information as I could on that point, but it was not very satisfactory, because it had to be largely an estimate. However, during the past year, when we examined the largest number that has ever been examined in any one year—and during the past year we examined about one-sixth of all who have been examined in the last fifteen years—the best information I could get from those who handled the applications for examinations was that the number of persons who applied for examination during the year who had ever been examined before by the Commission did not exceed 5 per cent. Five per cent for last year would amount to a little over 2,500. There were a little over 50,000 examined during the year.

The CHAIRMAN. Of 50,000 who were on the eligible list only about 2,500 applied for reexamination when the time expired. Is that your statement?

Mr. SERVEN. No, sir; that is not quite it. Of the 50,000 and over who applied for examination during the past year only about 2,500 of them had ever been examined before by the commission.

The CHAIRMAN. What per cent of those appearing on the eligible list at the end of any one year applied for reexamination?

Mr. SERVEN. I am afraid my answer to that question would not be of very much value, because, as I said, I only had an opportunity to go carefully into the past year.

The CHAIRMAN. That was the idea of the committee the other day when the question was propounded to you?

Mr. SERVEN. I think that probably in the past there would be a larger percentage who applied than during the past year. I think that during the past year there was a very large number of people who never thought of being examined before who came forward for examination. There were a number of reasons that would bring that about. The extension of the service, including so many new positions in it during the last Administration, would naturally produce an increase. Then the commission has found that on each change of Administration a larger number are usually induced to try the examinations.

The CHAIRMAN. The committee will be glad to have you prepare a statement showing the number.

M. SERVEN. I will do so, sir.

(See appendix to Mr. Serven's testimony.)

If I may mention one other matter, I notice on page 449 of the evidence before the committee the letter you referred to the other day from the custodian at Asheville in regard to people who were furnished

to him through examination. Just to complete that evidence I have looked up the requests which the Treasury Department made on the commission for the variety of people they wanted certified for those positions. I find that on June 11 they requested the certification of a person to the position of janitor. I will state that for that position the Treasury Department has said that it desired no other qualifications than simply scholastic. Janitor is in our lowest grade, the easiest grade of educational examination, and the Department have said that that is all they desire for their janitors.

The CHAIRMAN. Is it a fact that the janitor is required to take only a low grade of scholastic examination?

Mr. SERVEN. Yes, sir; for the custodians' service, because the Department has desired it.

The CHAIRMAN. What are the duties of a janitor?

Mr. SERVEN. As we get it from the Treasury Department they tell me that their janitor is a man who practically has charge of the work of keeping the laborers' force attentive to their duties, and seeing that the building is kept clean and in order, but he does not, according to their statement——

The CHAIRMAN. Suppose the building is heated by steam, who has charge of the engine?

Mr. SERVEN. Then the Treasury Department ask for either a janitor fireman or a janitor engineer. Frequently, where it is a small building, they ask for a janitor fireman. Where the heating apparatus is more extensive and complicated, or where the heating apparatus has connected with it a small electric plant, they ask for a janitor engineer of either class. The first-class janitor engineer is a man who is quite an accomplished practical electrician.

The CHAIRMAN. While we are dealing with that particular question, I desire to ask you if it is not a fact than an examination was held for janitor in the month of March in the city of Asheville, and that another examination was held in the month of August, I believe? I do not know that I have given the exact dates.

Mr. SERVEN. It was about that time. The second one was in July, or the 1st of August, I believe.

The CHAIRMAN. I also desire to ask you if it is not a fact that the examination held in the month of August was reported and an appointment was made from that examination before the examination held in the month of March was reported?

Mr. SERVEN. I think that probably you are right in regard to that. I will say in explanation that between the examinations that were held in March or April, and the examination that was held in August, the Treasury Department asked the commission to hold a special examination. Every time they had a position to be filled by examination in the custodians' service they asked the commission to hold a special examination at the particular point, and that only those who were residents of the immediate vicinity, or of the place where the examination was to be held, or where the vacancy was to occur, should be eligible to that examination and be certified for the position. That is the reason why the second examination was held at Asheville. The first examination was the general spring series of examinations, and at that time the Department had not established its practice of localizing the examinations in this service. For that reason it seemed that the commission was practically put in the position of discriminating against the man who took the examination at the regular spring series of examinations. The commission regretted it very much, but, under the——

The CHAIRMAN. Did you not have the discretion to examine the papers of those who had stood an examination in the spring?

Mr. SERVEN. Oh, yes.

The CHAIRMAN. Rather than order a special examination?

Mr. SERVEN. I think, under the circumstances, in this particular case the commission was rather bound by the course the Department took to hold the special examination, and to consider those who passed the special examination to be eligible for the appointment.

The CHAIRMAN. Under what rule has the Department the right to dictate to you that you shall hold a special examination, when you have made a regular examination for a particular appointment?

Mr. SERVEN. I believe on this particular occasion we had not held a regular examination which could produce three eligibles in the immediate vicinity of Asheville. The Department has a right——

The CHAIRMAN. But, in the particular instance which is under consideration, they did have eligibles living in the city of Asheville?

Mr. SERVEN. There were one or two, I think.

The CHAIRMAN. In the first instance there were two eligibles, and in the second instance they appointed a man who lived in Boston, Mass., and who was temporarily residing in the city of Asheville for his health. I happen to be pretty well acquainted with the facts.

Mr. SERVEN. I can say very frankly, Senator, that the commission did not enjoy the apparent situation that it was put in by the course that was taken, but it seemed to be unavoidable. We endeavored the best we could to try to get it arranged, but we were not able to do any better than we did do.

The CHAIRMAN. So you have no rule which gives the Department this power?

Mr. SERVEN. Yes, sir; the Department always can insist on a full certification of three names for every position, and for that position we were unable to certify three names.

The CHAIRMAN. Did they give as a reason when they made the request that you had only two names on the eligible list?

Mr. SERVEN. No, sir; I do not think they did. I think they simply asked for a local examination, a special examination, to be held there under the general request which they had made for all those positions.

The CHAIRMAN. Did the commission at that date reply to the department and state that they had made an examination and were prepared to handle the matter?

Mr. SERVEN. As to that I am not positive, but my impression is that they did not, for I think the commission had already agreed with the Department that where the Department requested a special examination for a special place, they would hold it.

The CHAIRMAN. And do it without question; just simply go along and do it? Suppose the department should ask you to have a special examination for a janitor in the city of Asheville, and it should turn out that you had half a dozen names on your eligible list; in that event would you feel bound to follow the suggestions of the Department?

Mr. SERVEN. If we had sufficient names to make a full certification to them, I think probably the course the commission would take would be to consult with the Department and see if they could not in some way avoid the holding of a special examination. But in that particular service the Department has been very strenuous that only those who are in the immediate vicinity, and who are given a chance to take the examination when a vacancy occurs, are to be considered for appointment.

The CHAIRMAN. In this instance, the Department did not give as a reason that you had no names on the eligible list.

Mr. SERVEN. No, sir; not at that particular time. It was under their general request that the action was taken, that the commission acceded to it, that if they thought the conditions of good administration in their Department required it, the commission would grant it.

The CHAIRMAN. Do you not think that the law should be so amended so as to give the commission absolute control over that matter?

Mr. SERVEN. I am afraid not, Senator. I think the departments should be the judge of what they want. They ought to know best. They ought to know better than the commission just what they want.

The CHAIRMAN. In other words, if I understand you correctly, the departments can practically nullify the law so far as appointing those who stand a regular examination is concerned?

Mr. SERVEN. No, sir; I should not say that. For certain services the Department has asked, for reasons which they consider good and sufficient, that the commission will hold special examinations when vacancies are about to occur—as, for instance, in the positions of the custodian service and also the position of immigrant inspector—and the commission has, after full consultation with the Department, acceded to the Department's request as reasonable under their particular requirements. In this particular case, unfortunately, the Department did not make up its mind that it wanted to do that until after we had held our spring examinations, and a number of gentlemen, possibly as many as sixty in different parts of the United States, had gone into the examinations for the custodians' service.

The CHAIRMAN. How many had taken the examination at Asheville?

Mr. SERVEN. I am not sure. I think there were possibly two or three. There was something like that number. I am not sure whether there were over three or not.

The CHAIRMAN. How long would it have taken the commission to have examined the papers of those individuals at Asheville?

Mr. SERVEN. Possibly half a day. Not over that, anyway.

The CHAIRMAN. How long did it take you to hold the special examination to which you have referred?

Mr. SERVEN. The length of time that notice is usually given to the public of any examination of that character is thirty days. I am not sure just how long a notice was given in that case. I shall look up the notice, but it is usually about thirty days.

The CHAIRMAN. Then how long after the thirty days had expired would it be until you could examine the papers and report to the Department?

Mr. SERVEN. The papers would reach us in two or three days possibly, at the furthest, and they would be made special. It would depend upon how many other examinations the departments had requested to be made special as to when it would be reached, but it probably would be reached to be marked in a couple of weeks at the outside.

The CHAIRMAN. So rather than pursue the course which would have secured an eligible there in half a day, a course was adopted which resulted in the consumption of thirty-three days of time?

Mr. SERVEN. Yes, sir; and the service of temporary appointees in the meantime. I can say that I do not think any of the commission are entirely satisfied with the way that service is at present handled. We are trying to meet the wishes of the Department as far as we can in the matter, but it has not been settled——

The CHAIRMAN. Do you not think that in all cases where the commission have gone ahead and prepared an eligible list it is their duty under the law to certify from that list rather than to hold a special examination?

Mr. SERVEN. There is one point to be considered there.

The CHAIRMAN. Please answer the question. It is one that can be answered yes or no; and then you can make any explanation you desire.

Mr. SERVEN. Yes, sir. But that does not quite apply to this particular case. The gentlemen at Asheville who took that examination did not take the examination only for the position at Asheville. They took the examination for the general custodians' service.

The CHAIRMAN. How would that change the aspect of the case?

Mr. SERVEN. Only in this way. Subsequent to the general examination, the Treasury Department decided that they did not want to fill those positions from the general examination, but that they wanted a special examination in each place at each time when a vacancy was about to occur.

The CHAIRMAN. Why the necessity, then, of holding a general examination without the smallest hope that the individuals passing it would secure appointment?

Mr. SERVEN. There was not any necessity for it, as it turned out. If we had known what the Department was going to do, we would not have attempted to hold a general examination in the spring, but under the last Administration they had made an arrangement in regard to that service, and we were holding the general examination under the plan that had been agreed upon, in order to have eligibles on our list for the positions in case the Department called for them. When the new Administration came in, it took them several weeks to get matters adjusted to their satisfaction, and as soon as they did get them adjusted they notified us as to how they wanted it handled, and we attempted to adjust our matters just as soon as we learned what their wishes were.

The CHAIRMAN. Is there any rule by which the parties who are on the regular eligible list can be substituted so as to obtain their rights? Can the appointees who stood the examination subsequently and came into the service be removed and the men actually under the law entitled to appointment be substituted?

Mr. SERVEN. If the Treasury Department should decide that it had good and sufficient reasons to remove those persons, and if it would be willing to accept a certification containing the names of those who took the examination in March, I do not think there would be any difficulty about it.

The CHAIRMAN. Do you not think it is the duty of the commission to see to it that justice is done those people?

Mr. SERVEN. The Attorney-General has held that the commission——

The CHAIRMAN. I am not asking what the Attorney-General has held. Just answer the question. I submit a respectful question, and it can be answered "yes" or "no," and then you can make any explanation you desire.

Mr. SERVEN. I can not but answer no, because the commission raised that very point before the Attorney-General, and the Attorney-General decided that the commission could not do anything about it. We had not an exactly similar case, but a very nearly parallel case about a year and a half ago. The commission took it up and undertook to try to do what it thought was equity in the matter, and the Attorney-General held that it could not do anything about it.

The CHAIRMAN. So then nothing can be done in the way of securing an equitable adjustment between applicants?

Mr. SERVEN. In certain cases, nothing. After a certain action has been taken by the Department, after it has made an appointment in due form and under the law, the Attorney-General held that the commission could not have it changed. The Department may change it, perhaps, but the commission has no power to do it. If the head of the Department sees proper reasons for changing it, he may do so.

The CHAIRMAN. Such being the case, do you not think it was the duty of the commission to have said to the Treasury Department, "We have induced certain individuals to stand the examination at Asheville, and we think they are entitled to appointment?"

Mr. SERVEN. Possibly the commission might have taken that course.

The CHAIRMAN. I am not asking you what they might have done. I ask you if you do not think it was your duty to have done so?

Mr. SERVEN. Under the circumstances I think the commission would have taken that course if——

The CHAIRMAN. I am not asking you what the commission would have done. I am asking you as an individual and as an officer of the commission if you do not think it was their duty to notify the Department of that fact?

Mr. SERVEN. I do not know that I can say exactly that I think it was an obligation on the commission.

The CHAIRMAN. You are an intelligent gentleman. You know exactly what I am asking you to answer.

Mr. SERVEN. I do not think I can answer that.

The CHAIRMAN. Do you decline to answer. If you do, I will excuse you with pleasure.

Mr. SERVEN. No, sir; I shall try to answer it. I do not think I can say that there was an obligation on the commission that they should say to the Treasury Department, "Now, you must make your selection from people who were examined last spring," because there were people examined——

The CHAIRMAN. I did not ask you that question. I ask you whether you do not think it was your duty to notify them that you had prepared or that you were preparing a list of eligibles for appointment at that place?

Mr. SERVEN. I understand that a duty is an obligation, and, as I said, I do not think it was an obligation.

The CHAIRMAN. I am asking you for your opinion in regard to that matter. If you decline to answer, I will excuse you. I could not do it under the rules of evidence in criminal cases on the ground that it would incriminate you, hence I do not excuse it on that ground.

Mr. SERVEN. Possibly I may say that I had no knowledge at all of the case until long after it was past, when I heard something of it, and then looked into it to see if anything could be done to straighten it out. Under the circumstances and in view of the course the Department had taken, the request the Department had made on the commission, and the acquiescence of the commission, I think that the commission tried to do its whole duty in the matter just as nearly as it could. Unfortunately, in following that course, I think that there appeared to have been something of a hardship to one or two gentlemen who took the examination in the spring.

The CHAIRMAN. Then, you say in following that course there was no fault on the part of the commission?

Mr. SERVEN. I can not say that I think there was fault on the part

of the commission. I know that the commission would have been glad——

The CHAIRMAN. I understand that you put the blame on the Treasury Department?

Mr. SERVEN. Mr. Chairman, I hardly see that there is any particular blame in the case.

The CHAIRMAN. It seems to me that there was a great injustice done.

Mr. SERVEN. It was the policy of the Administration, and under that policy certain results accrued, as I understand it.

The CHAIRMAN. Is there anything else that you desire to say?

Mr. SERVEN. Nothing, I think. I merely want to call attention to the fact that the custodian appears to think that the gentleman who was certified should have had a knowledge of handling the heating apparatus of the buildings, while the Treasury Department requested a janitor and a watchman, neither of whom was required under their instructions to have any knowledge whatever of heating apparatus.

The CHAIRMAN. I will ask you if it is not a fact that the person who took the special examination and was placed on the eligible list was unable to perform the duties required of him, and, in order to discharge the duty, he had to employ an individual who had failed to stand the examination?

Mr. SERVEN. I understand from the custodian's letter, which is printed in the evidence taken before your committee, that the duties required of him by the custodian were not such as the Treasury Department requested a certification for from the commission. They only requested a certification for janitor or watchman, positions which they say do not require anything more than scholastic attainments—no special qualifications.

The CHAIRMAN. Did not both the commission and the Treasury Department understand that they had modern apparatus for the heating of the building?

Mr. SERVEN. Yes, sir; I suppose so, but we would infer from a request of this kind that it had sombody else to attend to it, for they did not ask for anybody with such a qualification.

The CHAIRMAN. Would not the records disclose the fact that no one else was employed there?

Mr. SERVEN. I do not know. I suppose the Department would know about that. Of course we only furnish them whatever they ask for.

Mr. PROCTER. Mr. Serven, you spoke of teamsters being reported as classified. Was it not stated at the time that certain teamsters acted frequently as messengers?

Mr. SERVEN. Yes, sir; I believe it was. I do not know whether those particular teamsters were classified. Those positions were carried on the roster under the title of teamster and were reported by the departments as requiring classified duty to be performed by those who held them. I understood that some of those classified were doing the work that messengers are required to do.

Mr. PROCTER. Are not the men and women who take reexaminations mainly from the class of persons who take scientific and technical examinations and who believe that by being reexamined that they can increase their standing?

Mr. SERVEN. I do not think that my information on that point would enable me to answer the question. I could not state positively.

Mr. PROCTER. Is it not true that in 1897 a great many reinstatements were made?

Mr. SERVEN. Yes, sir.

Mr. PROCTER. More reinstatements than usual were made in 1897, so that that has cut down the relative number of appointments from certification?

Mr. SERVEN. Yes, sir; the number of appointments has fallen considerably during the year 1896–97 on account of the reinstatements. It has fallen very largely.

Mr. PROCTER. Do you not think it is proper, in estimating the cost of the commission, also to base your estimate on reinstatements, because a reinstatement is as much of an appointment as an original appointment from certification?

Mr. SERVEN. Yes, sir; I do.

Mr. PROCTER. And also to estimate the cost of investigation? Do you not think the cost of investigation should be charged up as well as the mere cost of examinations?

Mr. SERVEN. Yes, sir.

Mr. PROCTER. Do you not think that any estimate of expense which would be chargeable solely to examinations would be for that reason fallacious?

Mr. SERVEN. Yes, sir; I think it would. In the estimate which I made, after going through the matter very carefully, I made up my mind that at least one-fourth of the total expense of the commission was devoted to the work in connection with the service records division, which has everything relating to reinstatements and transfers and investigations of every character and the general work of the commission. I think that one-fourth is a very low estimate for the amount that is expended in that way.

Mr. PROCTER. The first fundamental provision of the law is that the rules shall provide, "as nearly as the conditions of good administration will warrant"—

For open competitive examinations for testing the fitness of applicants for the public service now classified or to be classified hereunder. Such examinations shall be practical in their character, and so far as may be shall relate to those matters which will fairly test the relative capacity and fitness of the persons examined to discharge the duties of the service into which they seek to be appointed.

Do you not think that a proper construction of that provision would be that the commission must consult with the departments to learn whether the examinations are practical, and that the character of people, the age, and other conditions should be indicated largely by the department?

Mr. SERVEN. It seems to me that the commission must depend upon the Department for the information as to what the especial qualifications are that are required to satisfactorily fill positions under the Department. Of course the commission can not have an intimate knowledge of the duties to be performed and of the character or class of people who are required to best perform them, and therefore they must depend upon those in the immediate charge of those services to find out. The commission could not in any way undertake to prepare any sort of practical examinations without very close conference with the departments.

Mr. PROCTER. Do you not consider that under that law and the rules the commission is nothing more than an employment agency to get what the Department desires?

Mr. SERVEN. Yes, sir; that is practically what the commission is in so far as testing applicants for employment is concerned.

Mr. PROCTER. And to guarantee that the examination shall be competitive and free, and that all citizens of the United States shall be placed upon an equality?

Mr. SERVEN. Yes, sir; it seems to me that the law requires the commission to prepare and hold examinations for which anyone who thinks he is qualified may enter to have his qualifications tested in comparison with anyone else in the whole country, provided he is a citizen of the United States. Of course the commission does not under the rule allow those who are not citizens to compete. The person must be a citizen of the United States and he must comply with the preliminary qualifications, whatever they are, which the Department sets as to age or physical condition or any other particular requirement.

Mr. PROCTER. Is it not your practice as chief examiner, and is it not the practice of the commission, to get the departments to indicate the scope of the examination, and does not the commission usually prepare the specific questions along the lines indicated by the Department?

Mr. SERVEN. It is the practice of the commission (it has been since I have been there, and I understand it was before) to have the departments indicate the general scope and the general character of subjects that they desire to have applicants for their positions tested on. Then the commission prepares the particular questions, and after the questions are prepared, sometimes before the examination is held, sometimes after the examination is held, but invariably, sooner or later, the commission consults with the Department as to whether the questions asked have been satisfactory in bringing out the information desired, and if there is any modification to be suggested by the Department in the particular kind of questions to be asked or that have been asked; and I was going to say invariably—possibly with a very slight modification of that word—the departments have expressed their entire approval of the questions that have been asked in the different examinations, so far as my experience has gone.

Mr. PROCTER. If the Department should consider that a better class of men could be obtained for a place by asking for an examination for a vacancy, do you not think that the commission would be compelled to hold a special examination for that vacancy where it did not have registers that were satisfactory?

Mr. SERVEN. If the Department insists that the conditions of good administration require that a special examination shall be held for filling a particular vacancy when there is a vacancy in view, to attract a better class of people than are usually attracted when there are no vacancies in immediate prospect, it seems to me that the commission should very largely concede the right of the Department to insist on it.

The CHAIRMAN. In this connection I wish to ask you if the special examinations do not generally result in the employment of someone residing in the District of Columbia or the States of Maryland or Virginia? Do they not result in that as a general rule?

Mr. SERVEN. No, sir; I should say not.

The CHAIRMAN. I understood you to say a while ago that that was the reason why the District of Columbia and those States have so many appointments in excess.

Mr. SERVEN. That is one of the reasons why for some of the highly technical or scientific places the District of Columbia is so much in excess in appointments.

The CHAIRMAN. Suppose the plan were adopted that you speak of now, would it not enable the commission practically to annul the law so far as the States are concerned, except as to those who live in the immediate vicinity of Washington, and enable them under that rule

to secure all the appointments from people in the District of Columbia and those residing near Washington?

Mr. SERVEN. No, sir; I think not.

The CHAIRMAN. Would not that be the practical result of it?

Mr. SERVEN. I think not, for the reason I will state. I think that, as near as I can judge, there are all told in the departmental service subject to apportionment possibly not over 12,000 positions, possibly not so many, that would be open in any way under the rules of the commission, or that have been open any number of years past to the residents of the District of Columbia to compete in at all. For the rest of the positions the residents of the District of Columbia are not allowed to compete, not even——

The CHAIRMAN. How about the residents of Maryland?

Mr. SERVEN. In some of the examinations the residents of Maryland have not been allowed to compete. For instance, in the clerk examinations residents of Maryland or Virginia compete only for local positions within the States of Maryland or Virginia.

The CHAIRMAN. Suppose you are forced to hold a special examination. In that event do you exclude residents of Maryland?

Mr. SERVEN. Where a special examination is held for some peculiar, some special, some rare qualifications, the commission of course would desire to have the widest competition possible, but such examinations are held for only a very small proportion of positions.

The CHAIRMAN. I am assuming now that you will decide to hold a great many special examinations and exercise the discretion to which you referred. That would be the result of it, would it not?

Mr. SERVEN. If the commission, under the discretion that is given it in the law, could apply the law of apportionment, so far "as the conditions of good administration will warrant," I think that the commission could so apply it that the entire rest of the country would be discriminated against in favor of the immediate section right here.

The CHAIRMAN. As the law stands now there is nothing to prevent them from doing that?

Mr. SERVEN. There seems to be the broadest discretion as it stands now. The law says "as nearly as the conditions of good administration will warrant," and it seems to leave it to the discretion of the commission as to how far those conditions warrant.

Mr. PROCTER. Where citizens of Maryland, Virginia, and States that have more than their quota are admitted to the special examinations, are they certified before the citizens of other States? Do they not have to wait until persons who pass the examinations from other States are certified, unless it is a high-class examination of such a character that the Department would ask the commission to disregard apportionment in making certifications, such as supervising architect, for instance?

Mr. SERVEN. Yes, sir; that is true. Further than that, the practice of the commission as announced in its pamphlet of instruction containing information is that for those technical positions where there are eligibles from only a portion of the States and Territories the certification is made first of those names that are from States which have not had up to the average proportion of appointments. For instance, they divide the list of States into two parts, those that have had more than their average proportion and those that have had less than their average proportion, and the certification is made first even for those technical positions from the States that have had less than their average

Mr. SERVEN. Yes, sir; from the Treasury Department.

Mr. BAKER. At that time was the position to which you had been appointed in the Treasury Department within the classified service?

Mr. SERVEN. Yes, sir; it was.

Mr. BAKER. Did you come into that position by competitive examination?

Mr. SERVEN. No, sir; I did not. I came into it by a noncompetitive examination given at the Treasury Department.

Mr. BAKER. Did you take any competitive examination for your present position?

Mr. SERVEN. No, sir; it was a Presidential appointment.

Mr. BAKER. How do you make it a Presidential appointment when the law says that the commission shall appoint a chief examiner?

Mr. SERVEN. The fact is that my name was sent to the Senate by the President, and I was confirmed by the Senate and received my certificate of appointment from the State Department with the President's signature. So I suppose he has settled how that appointment shall be made.

Mr. BAKER. But the law does say that the commission shall appoint a chief examiner?

Mr. SERVEN. Yes, sir; I understand so. I can say this, but it is hearsay evidence. At the time I received my appointment the President told me that he had appointed Major Webster to the position of chief examiner ten years before, and that at that time the Attorney-General had advised him that it would be proper to make the nomination to the Senate for the position and have it confirmed by the Senate. He had pursued that course at that time and he pursued it in my case.

Mr. BAKER. I thoroughly agree with the Attorney-General in the decision that under the Constitution the commission could not appoint.

The CHAIRMAN. You are not, then, in the classified service?

Mr. SERVEN. No, sir; I am not.

Mr. BAKER. In making the appointment of local examiners throughout the States and Territories, do they ever receive any specific examination showing their qualifications for holding examinations?

Mr. SERVEN. Possibly to make that clear I should explain a little the duties of a local examiner.

Mr. BAKER. We understand his duties. Just answer the question, please.

Mr. SERVEN. There is a good deal of misapprehension about the matter. The duties of a local examiner are of such a character that a very light educational examination would in most cases fully qualify him.

Mr. BAKER. But my question was how many of them have received any specific examination to determine their qualifications as examiners—not what is necessary, but how many of them have been examined.

Mr. SERVEN. I can not say as to that, for the reason that they are appointed on the nomination of the appointing officer, and I do not know what examination is held to determine their qualifications.

Mr. BAKER. Then the commission itself has held no examinations for those positions?

Mr. SERVEN. No, sir; not at all. Those positions are filled on the nomination of the appointing officer.

Mr. BAKER. How many of the examiners on the board in the employ of the commission in Washington have received such an examination?

Mr. SERVEN. I am not sure that I can give you that information at once. It is somewhere in these hearings before the committee.

Mr. BAKER. This statement to which you refer relates to all the employees of the commission, does it not?

Mr. SERVEN. Yes, sir.

Mr. BAKER. My question is as to those who are examiners.

Mr. SERVEN. I do not know that I have ever seen a statement compiled just as to those who are serving in the examining division. My impression would be that probably all but 2 or 3 of the examiners on the commission's force were appointed through an examination, but I am not sure.

Mr. BAKER. That is, they were appointed through an examination; but were they appointed through any special examination held to determine their fitness as examiners?

Mr. SERVEN. To determine their special fitness for that position?

Mr. BAKER. Yes, sir.

Mr. SERVEN. They had the best kind of an examination, I think, and that was an experience examination.

Mr. BAKER. Was there a special examination held to determine their fitness as examiners?

Mr. SERVEN. There was trial at the work, which is the very best kind of an examination.

Mr. BAKER. I agree to that absolutely. How many persons are now working in the commission or for the commission by detail from the departments?

Mr. SERVEN. I should think somewhere between forty and forty-five.

Mr. BAKER. How many of those are working in the examining division?

Mr. SERVEN. Possibly a third of them are directly engaged in marking papers. There are a number of others who are assisting in the examining division in averaging and similar work. In fact, all of them are necessarily engaged on work that can be said to partake of an examining character, because we have to employ them as examiners.

Mr. BAKER. I suppose the work of nearly all the persons employed in the commission partake of that character?

Mr. SERVEN. Pretty nearly. We have some of our own people who are assigned to some of the other work, but all of our details necessarily we have to treat more or less as examiners.

Mr. BAKER. Are not some of those detailed men actually performing simply clerical service?

Mr. SERVEN. Yes, sir, they are; of a character relating to examinations.

Mr. BAKER. Their work is merely clerical?

Mr. SERVEN. Yes, sir.

Mr. BAKER. That is the point. I know it was so testified before.

Mr. SERVEN. Yes, sir.

Mr. BAKER. Do you think there is any authority by law for a detail to act in any other position than as examiners?

Mr. SERVEN. I think it depends on how you limit the word "examiners." If you mean simply the man who handles the answers the applicants have submitted to the commission, I think there is other authority; but I do not think there is any authority for a detail there for men to do other work than that which pertains to the examining work of the commission.

Mr. BAKER. But the law does not say it shall pertain to that work. The law says the commission may select in the official service a board of examiners not less than three. How can you make a clerical

service pertaining to examinations come within the designation of the statute?

Mr. SERVEN. Because it seems to be the plain intent of the law that the boards of examiners shall perform the work relating to examinations. The law does not provide for anyone else to perform it. It would have to go undone unless the law intended that they should do the work relating to examinations.

Mr. BAKER. Did you not testify here the other day that the local boards throughout the States and Territories perform that work?

Mr. SERVEN. They do perform some of it, but a great deal of it they do not perform. At present they do not mark the papers of any kind practically. The custom-house board at New York marks the office questions in their promotion examinations, but I think, with that exception, there is no local board that does any marking of any examinations.

Mr. BAKER. I understood you to say the other day in regard to the examination for Supervising Architect of the Treasury that the questions were prepared by a board of architects. Is that true?

Mr. SERVEN. No, sir; I said that the answers were graded by a board.

Mr. BAKER. Who prepared the questions?

Mr. SERVEN. The questions were prepared immediately in the office of the commission here, but they were prepared after full consultation with the Department and its representatives.

Mr. BAKER. Did the Department or its representatives in any way put in writing those questions?

Mr. SERVEN. Yes, sir; I think they submitted some questions which were typewritten, and suggestions in regard to the character of questions and general subjects that ought to be covered by the questions.

Mr. BAKER. Could not the Department itself have formulated those questions just as well directly as through the intervention of the commission?

Mr. SERVEN. I have not any doubt but that it could have done so. I have not any doubt but that it could have done so in regard to all the examinations that have ever been held.

Mr. BAKER. There was in the Star in September, 1896, a paragraph concerning that examination in which it was stated that the applicants were asked to write a thesis of not less than a thousand words giving in detail their views as to the most appropriate styles of architecture for public buildings. Is that true?

Mr. SERVEN. I think it is. I read the questions here at the last meeting of the committee.

Mr. BAKER. Is not that a matter over which the principal architects in the country differ?

Mr. SERVEN. Undoubtedly they do. The aim is to get the best results.

Mr. BAKER. Then, who is to settle it? Is the commission to act as a board of architects and finally determine the architectural policy of the country?

Mr. SERVEN. I suppose the consensus of architects as to what may be good style and good arrangement has settled it always in the past. No two architects will agree absolutely on every point, and yet both of them may be excellent architects.

Mr. BAKER. Then, there has been no settled consensus on that point?

Mr. SERVEN. There is a settled consensus on things that are vicious in architecture, and those things of course all good architects understand.

Mr. BAKER. But that was not the subject of the thesis.

Mr. SERVEN. I think if you will read it carefully you will see that that is really what was brought out by the thesis.

Mr. BAKER. Then, there was another item in the same paper, to the effect that they were required to give their views as to the general administrative policy which should be pursued. Is that true?

Mr. SERVEN. I believe it was done. That related to the Supervising Architect's Office.

Mr. BAKER. Did that cut any material figure in the rating of those papers?

Mr. SERVEN. I have no doubt that it did.

Mr. BAKER. Is not that a matter which is of purely administrative policy, changed by each administration as a rule?

Mr. SERVEN. There have been changes there sometimes in the past, but I think pretty largely they have pursued one general policy though.

Mr. BAKER. There may be one general policy, but in these specific matters each administration of the Treasury Department has been distinct, has it not?

Mr. SERVEN. I suppose it has had some distinctive points, but I notice that the criticism which has been directed against the administration of the office has been largely that it has not been very individual.

Mr. BAKER. Does the commission itself, through its chief examiner or otherwise, propose to determine those architectural points for the Treasury Department?

Mr. SERVEN. Not in the slightest. But it proposes that the Treasury Department shall tell us what they want and then try to get it just as near as it can for them, as the commission did in this particular case.

Mr. BAKER. As a matter of fact, does not each Secretary of the Treasury control that policy, subject only to acts of Congress?

Mr. SERVEN. Yes, sir; I think that he must.

Mr. BAKER. Did President Cleveland, after May 6, 1896, issue any order or direction to the commission or otherwise under which any person was included in the classified service not before that date included in that service?

Mr. SERVEN. Not that I am positive of. I am not sure just what date it was that the President's direction was issued in regard to the Navy Department, including under the civil service the registered force at navy-yards. I am not sure whether it was after May 6 or under the May 6 order, but I do not think there was anything else except the navy-yard registered force, if there was anything after May 6. I am not sure that there was anything.

Mr. BAKER. Did you as chief examiner, or of your knowledge did the commission, know how many would be included under the order of May 6th previous to the order?

Mr. SERVEN. As I said, the Washington Post, which I presented at the last meeting, stated the next morning after that order was issued that over thirty thousand were brought in.

Mr. BAKER. I am not asking about what the Washington Post stated. I ask you if you as chief examiner of the commission or any member of the commission knew how many would be included?

Mr. SERVEN. I was not there at the time. I think that would be a better question to ask Mr. Procter.

The CHAIRMAN. I do not think it would be competent for Mr. Serven to make a statement on that point, because he was not there at the time and it would be purely hearsay.

Mr. BAKER. I noticed the other day in a paper that there was to be an examination for keeper of the aquarium at the Zoological Park.

Mr. SERVEN. Yes, sir; for the Smithsonian Institution. We held such an examination recently.

Mr. BAKER. And it stated that there was to be a slight educational test.

Mr. SERVEN. Yes, sir.

Mr. BAKER. Then the applicant was required to have a practical knowledge of the habits and requirements of fish, the methods of feeding them, etc., and he must be competent to translate articles concerning fishes from German and Latin. Is that true?

Mr. SERVEN. I think that is what the Smithsonian asked for.

Mr. BAKER. That was a slight educational test, I presume?

Mr. SERVEN. The slight educational test was not that part of the examination. That was the technical test which was required. I will state as to that particular examination that the notice to the press and to the public was based entirely on the specific request in the letter from the Smithsonian Institution in regard to the requirements for the position.

Mr. BAKER. It has been stated that in the examinations for skilled workmen, etc., there was at one time a rule which required them to jump on one foot a distance of not less than 12 feet, or something about that distance. Is that true or false?

Mr. SERVEN. Some skilled people it might be true of. The great majority of them it is not true of.

Mr. BAKER. It was then in the rule at one time?

Mr. SERVEN. Yes, sir; it related to certain positions.

Mr. BAKER. State the positions.

Mr. SERVEN. It related to certain positions in the Marine-Hospital Service, to the railway mail clerks, and a few other positions, as surfmen in the Life-Saving Service. My recollection is that they require that in the Steamboat-Inspection Service. I am not positive of that; but for a few special services it may be required, where physical endurance is one of the main requisites.

Mr. BAKER. Has the commission any eligible list of stitchers for the binding room of the Government Printing Office?

Mr. SERVEN. Yes, sir.

Mr. BAKER. How long has it had them?

Mr. SERVEN. I do not know just how long it has had them. It has made certifications for a great many.

Mr. BAKER. Do you know anything about the length of time that those stitchers were employed simply for ninety days and about the length of time the Government Printing Office was included in the classified service before you had an eligible list, and when the employees doing that work were retained for ninety days?

Mr. SERVEN. No, sir; I do not. My impression was that at the time the Government Printing Office was classified the Public Printer asked that the qualifications for those stitchers be the same as they had been heretofore—that is, that they were not necessarily required to have had any experience in that particular position—but that since then the commission has suggested to the Government Printer that in view of the expense the Government has to undergo every time an unskilled person is put in that position it was the opinion of the commission that it would be wise for the Public Printer, when he desired such people, to ask for those having had experience. That has been done for some

time, and we have certified those who have had experience. So I do not know up to that point.

Mr. BAKER. I asked the question for the reason that I have been informed that for quite a time, under the rules of the commission, the Public Printer was not permitted to employ them for more than ninety days, and that in that way the Government served as an instructor of people under pay to learn practically one branch of trade.

Mr. SERVEN. I do not know. My impression is that there has not been very much of that done, at any rate, for I know that the commission suggested to the Public Printer that they thought it would be more economical if the course I have stated should be pursued. Of course it was done after consultation. The commission discussed it, after finding out how expensive it was to train a person, to see if experience was not a factor.

Mr. BAKER. Do not the departments now in their request generally ask for male clerks?

Mr. SERVEN. Yes, sir; I think almost always.

Mr. BAKER. Can you give us an estimate of the proportion of the appointments of females and males to clerical positions in the departments in the last few years?

Mr. SERVEN. Yes, sir; I think I can. There is a table recently prepared which contains those statistics up to the end of the last fiscal year. It is now being printed at the Government Printing Office.

Mr. BAKER. You need not give a specific answer, just an estimate of what you think would be the proportion.

Mr. SERVEN. I have not any figures at hand which just cover that, but I can furnish it. I would be very glad to furnish you that table. It is quite an interesting table.

(See appendix to Mr. Serven's testimony.)

Mr. BAKER. You stated that at the time of the order of May 6 there were three skilled laborers in the Civil Service Commission included under that order?

Mr. SERVEN. Yes, sir.

Mr. BAKER. Were they included simply by the order?

Mr. SERVEN. No, sir; they were included under that order. Of course, as you will understand, the order did not include anyone. The order gave the authority to classify to the heads of departments, and the classification was done by the Department under which those laborers came in pursuance of the order of May 6.

Mr. BAKER. But I am asking you about the three skilled laborers of the Civil Service Commission?

Mr. SERVEN. Yes, sir; they were classified in pursuance of the order of May 6.

Mr. BAKER. They were brought in without examination?

Mr. SERVEN. Yes, sir.

Mr. BAKER. You stated that you had no list of eligibles for the Revenue-Cutter Service for quite a time?

Mr. SERVEN. Yes, sir.

Mr. BAKER. Are you not aware that the Treasury Department for years and years held special examinations for the Revenue-Cutter Service?

Mr. SERVEN. Yes, sir; and at the time we did not have any eligibles they did not desire any eligibles. We had eligibles as soon as they desired them and have met all of their requisitions.

Mr. BAKER. In your opinion as chief examiner are the ordinary

inspectors of customs fitted for the duties of special agents of the Treasury Department for work in customs affairs?

Mr. SERVEN. I think probably I should say that not the ordinary inspectors, but the exceptional inspectors are perhaps as well fitted as anyone who can be found in the country. At least I am so advised by the customs officials—not the ordinary, not the average grade of inspectors, but the best grade of inspectors.

Mr. BAKER. In your testimony you said, I believe, that custom-house eligibles had been regarded as sufficient for that position?

Mr. SERVEN. Yes, sir; in some instances.

Mr. BAKER. And also that the list of eligibles of watchmen was used for the selection of guards at penitentiaries?

Mr. SERVEN. Yes, sir; they might be so used.

Mr. BAKER. Do you think that the services are to any great extent akin?

Mr. SERVEN. From what the Department of Justice and the warden of the penitentiary at Fort Leavenworth told me I should judge that they were very much akin, provided that the watchmen be of sound physical condition. That seems to be the only requirement.

Mr. BAKER. I should think that there would be a great many other requirements.

Mr. SERVEN. I meant to say that that is the only special requirement.

Mr. BAKER. In the matter of engineers for service, for instance, at the Government Printing Office to run the heating apparatus, etc., do you require the applicants for examination for that position to present a certificate from the local board that they are qualified?

Mr. SERVEN. That is, a license, you mean?

Mr. BAKER. Yes.

Mr. SERVEN. Oh, yes; all licensed persons have to present their licenses.

Mr. BAKER. And, as you understand it, no one of those licensed persons can be licensed until he has passed an examination before the proper board for that specific purpose?

Mr. SERVEN. Yes, sir; a sort of an examination. It is sometimes rather severe, and sometimes not so severe, but there has to be an examination which goes into his experience and his general qualifications.

Mr. BAKER. And those licenses are graded, are they not?

Mr. SERVEN. I believe they are—first, second, and third; I think they issue here.

Mr. BAKER. Do you think any examination that the commission would make of such a person would be more valuable than that of the local board composed of men who have had actual practice in those things?

Mr. SERVEN. It is more valuable in one way. That examination does not attempt to test their relative qualifications at all. Our examination is solely to test their relative qualifications. Their examination is simply to show that they come up to a certain standard. We endeavor to find out how much they go beyond that standard.

Mr. BAKER. Is it not true that at an examination held a year or so ago for engineer at the Government Printing Office a person holding a first-class certificate from the local board of the District of Columbia was turned down by your commission and a person holding a second-grade certificate was appointed to that position?

Mr. SERVEN. True; it might very possibly have been so, for the rea-

son that no one is permitted to go into our examinations for those positions where the persons have licenses unless he has a license of some grade, and of course it very frequently occurs that the particular grade of the license does not correspond to the relative ability of the person who holds it. It is the purpose of our examination to bring out the relative ability.

Mr. BAKER. It is such a position that one on the outside would naturally suppose that a specific qualification would be sufficient.

Mr. SERVEN. The only point then would be that there would be so many of those specific qualifications you could not tell who should be certified. That is the idea.

Mr. BAKER. I should always appoint a man holding a first-class certificate in preference to one holding a second-class certificate if he had the requisite physical qualifications.

Mr. SERVEN. Suppose you had—I beg pardon, I do not want to examine you.

Mr. BAKER. I understand that the sets of examination papers undetermined in the commission amount to several thousand now.

Mr. SERVEN. Saturday night there were about eight thousand.

Mr. BAKER. How many will an examiner ordinarily rate in a day?

Mr. SERVEN. It depends very largely upon the particular subject he is rating. In some of the subjects, as, for instance, third-grade plain copy, probably an examiner who has had some experience can turn out fifty sheets an hour. In some of the other subjects it takes sometimes two or three days, or even sometimes it has taken a week to mark one particular sheet. It is hard to tell. I should say that the examiners ought to turn out something like an average of fifty sets a week for each examiner, taking the high and the low together. Each set, of course, is composed of about six sheets, but sometimes it has as many as twelve or fifteen.

Mr. BAKER. Is not everyone on the eligible list supposed to be qualified for the service covered by that list?

Mr. SERVEN. Yes, sir; he is supposed to be.

Mr. BAKER. Then why should not the whole list be certified for appointment?

Mr. SERVEN. For several reasons. One reason is that the Government under our law is supposed to be entitled to get the very best service it can for the money it pays. Those who stand at the top of the list are supposed to have demonstrated the best qualifications for the service, and therefore they are given the first opportunity for appointment, whereas, if the whole list were certified, of course the man who just barely squeezed through as a just passable, but a poor passable, might have an equal chance, perhaps, with anyone else—with the very excellent man, the very best man. That is one reason.

Mr. BAKER. That reason is based upon two "supposes" and one "might."

Mr. SERVEN. The second paragraph of subsection second of section 2 of the act says:

> That all the offices, places, and employments so arranged or to be arranged in classes shall be filled by selections according to grade from among those graded highest as the results of such competitive examinations.

The CHAIRMAN. You are reading from the civil-service law?

Mr. SERVEN. Yes, sir; from the civil-service law. The purpose of that act seems to be, as I said, that the Government is entitled to get the very best it can for its money in these classified positions.

Mr. BAKER. "Among those graded highest" is the language.

Mr. SERVEN. Yes, sir.

Mr. BAKER. Then, why should there not be ten certified rather than three?

Mr. SERVEN. I think that is a matter purely of opinion. Apparently, at the time the civil-service system was started it seemed wise to those who had it in charge to determine that three names should be certified. I think I am correct in stating that there was a time when there were four names certified, possibly five, and that later it seemed wise to reduce the number to three. Possibly it was with the commission under the act of 1871 that five names were certified. I am not sure about that; but I think the number has varied a little, and finally those who were charged with it decided in their wisdom that three was the proper number.

Mr. BAKER. Do you think that the selection of three had anything to do with the constitutional requirement that the heads of departments should make the appointments?

Mr. SERVEN. I do not know that it had to do with that.

Mr. BAKER. And consequently they gave the department a little matter of option between one, two, and three?

Mr. SERVEN. I remember that the Attorney-General, in an opinion, said that the three names did comply with the requirements of the Constitution. I do not know how much the Constitution had to do in determining the number three. That is as far as I know about it.

Mr. WALES. More than one, the Attorney-General said.

Mr. BAKER. How does it come that only one member of the examining boards is active in the examinations throughout the States and Territories, as you testified, when the law says that the board shall consist of not less than three?

Mr. SERVEN. I think principally for the reason, probably, that there is one member of each board, the secretary, who is supposed to inform himself pretty fully upon the particular civil-service questions that are liable to be presented to his board, and the other two members of the board have fallen into the practice of usually deferring very largely to his opinion. Sometimes they disagree, but usually the secretary is the one who is supposed to be informed on all those questions. When an examination is held, it is the secretary who is best informed as to just what the local board ought to do in regard to an examination. So it is usually the secretary who acts as the one who distributes the papers and hands the printed instructions to the candidates who are taking the examination, and when the candidates have finished preparing their answers he collects them, usually, and puts them into the package and forwards them to the commission.

That is the work of the local board in regard to an examination. Then when the results of that examination are obtained here, the papers are marked here for the local positions, such as for post-offices, custom-houses, etc. A list that the commission keeps here of those who have passed the examination is arranged, and arranged in the order in which they have passed, the highest at the top. A copy of that list is sent to the secretary, and he usually prepares a copy for the postmaster or the collector, or whoever the appointing officer is, and also prepares a copy and posts it in the corridor or wherever the bulletin board for the office is. That is substantially all that he has to do about an examination. Therefore it seems that in that part of the work the services of more than one person are very rarely required.

Mr. BAKER. Do not all three ordinarily sign the report of the examination to the commission?

Mr. SERVEN. I should say probably not. Sometimes they do and sometimes they do not. It depends very largely on how it happens. Usually two sign it.

Mr. BAKER. Then, as the statute itself says that there shall be the action of not less than three, is not that a violation of the law?

Mr. SERVEN. I do not think that the statute says that the action shall be that of not less than three.

Mr. BAKER. It says there shall be a board of not less than three, and it is supposed that the board is performing the duty, is it not?

Mr. SERVEN. I believe a majority of the board usually acts.

Mr. BAKER. You have just said that practically there is but one member of the board that does anything.

Mr. SERVEN. Usually two, I think.

The CHAIRMAN. I suggest that we went into that matter pretty fully the other day.

Mr. BAKER. I was not aware of that.

Mr. SERVEN. I think it covered about the same ground.

Mr. BAKER. In your testimony at the last meeting you favored, as I understood you, the employment of business methods in this matter.

Mr. SERVEN. I do, decidedly.

Mr. BAKER. You further said that you were in favor of those practices which are best approved in business houses and corporations. Do you know of any business house or corporation that selects its employees by competitive examination?

Mr. SERVEN. I have never had any experience with such a one. I am informed that one of the principal insurance companies in New York City has adopted practically the system that the Civil Service Commission is now pursuing, and has found it very satisfactory. I was told so a few days ago by one of the officers of that company.

Mr. BAKER. That is one. Do you know of any other?

Mr. SERVEN. Yes, sir; I know of many others that have practically exactly the same system that the commission is following.

Mr. BAKER. Will you give us the names?

Mr. SERVEN. The National Park Bank follows almost identically the system the Civil Service Commission follows in attempting to secure persons for employment in its service.

Mr. BAKER. Do you think they would object to the certificate by a Member of Congress relative to any man who has taken an examination for employment?

Mr. SERVEN. That is something the law contains. The commission is not responsible for it.

Mr. BAKER. You are speaking about business qualifications?

Mr. SERVEN. I will say that the commission has accepted a number of times, to my knowledge, the certificates of members of the House and Senators as to vouchers on applications for different applicants—vouchers as to moral character and personal fitness.

Mr. BAKER. Do you know of any such business house or corporation that selects its members by what one of your examiners calls a sharp academic test solely?

Mr. SERVEN. I do not know just what that test would be.

Mr. BAKER. I do not know; but that is his own language.

Mr. SERVEN. I do not know what particular examination that refers to. If I did, perhaps I could answer your question.

Mr. BAKER. In regard to persons employed in the secret service of the United States, would not your eligible list show to outside parties,

or would there not be liable to be known to outside parties all those probably to be appointed in that service?

Mr. SERVEN. Yes, sir; if there were such a list I think it would. My understanding is that in that particular position continuous service is performed by those who are selected somewhere from the eighty-odd thousand people in different branches of the service who have special fitness for that work, and that for duty of a temporary character, as they very frequently have it there, someone is selected for temporary service without being selected from the list of the commission; but if the Treasury Department should find it necessary to call upon the commission for a special examination, then of course it would be possible to find out who was on that eligible register.

Mr. BAKER. You have just testified in regard to the cost of examinations. Does your estimate of that cost include the expenses of advertising or printing or rents or general incidental expenses?

Mr. SERVEN. Yes, sir; everything of any kind that has been expended.

Mr. BAKER. I have here a copy of the Government Official, a paper printed here in Washington, which generally devotes a whole broadside to the bulletin of the Civil Service Commission. Is that a paid advertisement?

Mr. SERVEN. No, sir; it is not—that is, it is not paid from the United States Treasury. I do not know how the proprietor gets his pay for it. I know it is not paid from us.

Mr. BAKER. In the local papers we frequently see notices of examinations to be held here. Is that paid by the Government?

Mr. SERVEN. No, sir; those notices are furnished to the press as items of news.

Mr. BAKER. You say you have been asked to use your influence to secure appointments on the local boards of examination?

Mr. SERVEN. Yes, sir; I have sometimes.

Mr. BAKER. Then, influence is not totally absent from the commission?

Mr. SERVEN. I perhaps might answer that by giving an illustration. Some time ago I was in a post-office in a Northern city. A gentleman came up to me and said that he had served in the post-office for some twelve or fourteen years and he had never been a member of the local board, and he was extremely desirous of having that honor. He asked me if I would not use my influence with the postmaster to nominate him for the next vacancy. I told him that I was not in a position where I could do so. I do not know how much other influence is brought to bear on the appointing officer.

Mr. BAKER. I understood you to say at the last session of the committee that the cost of appointments under this system is less than under the old. Are you not aware that the number of persons detailed from the Treasury Department for service with your commission in this matter is greater than the number that has been employed in the past years in the appointment division of the Treasury?

Mr. SERVEN. No, sir; I am not.

Mr. BAKER. Please look that up and we will see. The same is true of the Interior Department. Under your system, why may not the number to be examined throughout the United States be increased to a million applicants?

Mr. SERVEN. The limitation at present is the desire of people to be examined and the authority of the commission to examine them.

Mr. BAKER. There is no limit on the number who may apply?

Mr. SERVEN. No, sir; provided they can meet the general requirements; that is all.

Mr. BAKER. And then you would have to have a force sufficient to examine all those papers?

Mr. SERVEN. If such an occasion arose I think the commission would endeavor to adopt some means, as they already have in certain local examinations, not to prevent people from taking examinations but to furnish less frequent facilities for taking them.

Mr. BAKER. Can you give the authority the commission has for not conforming to the law relative to the distribution of appointments through States according to their several quotas?

Mr. SERVEN. As I have stated, I think, the law leaves it largely in the discretion of the commission as to what the conditions of good administration require in regard to that matter. The commission have endeavored in their discretion to do what they thought was wise.

Mr. BAKER. But was not the law as to quota distribution passed long before the commission was established?

Mr. SERVEN. As to that I do not understand, if there is such a law, that it applies to the Civil Service Commission now in preference to the provision in regard to appointments that is in the act of January 16, 1883.

Mr. BAKER. Is the quota of Massachusetts full?

Mr. SERVEN. I can not state just at this moment whether it is full or not. I do not think it is at this time, for the reason that there has recently been a new apportionment of 2,000 additional places. But I know that the State of Massachusetts has had more appointments proportionately than many of the other States.

Mr. BAKER. But if the quota of Massachusetts is full the selection of people for technical positions from Massachusetts is a matter simply, as you hold, within the discretion of the commission?

Mr. SERVEN. The law says, "as nearly as the conditions of good administration will warrant."

Mr. BAKER. To be determined by the commission?

Mr. SERVEN. It seems to me that the commission must decide how far the conditions of good administration will warrant them in applying the apportionment law to any particular class of examinations.

The CHAIRMAN. You take into consideration the population of a State when you make your estimate?

Mr. SERVEN. Oh, yes, sir; it is based on the population according to the last census.

APPENDIX TO A. R. SERVEN'S TESTIMONY.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., January 18, 1898.

Mr. T. F. SHUEY,
Official Reporter, United States Senate.

DEAR SIR: As requested, I submit herewith a statement showing how the present classified force of the commission entered the service; also a table showing the number examined, the number passing the examinations, and the number appointed during the fiscal years ending June 30, 1895, 1896, and 1897, and whether male or female, in the principal examinations held for the Departmental and Government Printing services; also a brief statement based on the best evidence I have been able to obtain as to the percentage of reexaminations, and a state-

ment of the facts as I have found them in the commission's records in reference to the appointments in the custodian service at Asheville, N.C.

Very respectfully,

A. R. SERVEN,
Chief Examiner.

STATEMENT AS TO THE PRESENT FORCE OF THE COMMISSION.

The three commissioners and the chief examiner, being appointed by the President and confirmed by the Senate, are not in the classified service. All other persons on the rolls of the commission are in the classified service, numbering 58.

Appointed to the commission or other parts of the service through examination under the civil-service rules	46
Appointed stenographer, by transfer from the New York post-office, March 9, 1883, and afterwards promoted to secretary by Presidential appointment	1
Appointed to the service prior to 1883 and classified by the law of 1883	6
Classified by Presidential order January 5, 1893 (now on the rolls as clerk)	1
Classified by Presidential order as a watchman November 2, 1894	1
Classified by Presidential order as a messenger boy November 2, 1894 (afterwards transferred to the commission as classified laborer)	1
Classified by Presidential order as classified laborer on May 6, 1896, and afterwards promoted to watchman	1
Classified by Presidential order May 6, 1896, as classified laborer	1
Total in classified service	58

It is thus seen that of the commission's classified force 46 were appointed through examinations and 12 were not so appointed, but were brought into the classified service either by the act of 1883 or by Presidential order thereunder.

Of those not appointed through examination under civil-service rules only 1 is engaged in the work of preparing or rating papers, and he came into the commission by transfer from one of the technical bureaus, which he entered from the Signal Corps. Three others of this number are engaged in work relating to examinations, and 4 are holding the low grade positions of watchman and classified laborer.

Table showing the number examined, the number passing the examinations, and the number appointed during the fiscal years ended June 30, 1895, June 30, 1896, and June 30, 1897, and whether male or female, in the principal examinations held for the departmental and Government printing service.

[Each applicant should carefully examine the figures given in the table, as they will enable him to determine for himself the prospect of appointment from any of the registers. He should bear in mind that only the names of the highest on the registers are certified for appointment.]

Service and position.	Fiscal year ended June 30—	Male.			Female.			Salaries at which appointed.	
		Examined.	Passed.	Appointed.	Examined.	Passed.	Appointed.	Minimum.	Maximum.
Departmental service:									
Clerk	1895	605	387	21	217	149	1	$600	$900
	1896	319	183	28	101	71	2		
	1897	1,384	974	a 34	601	368	a 21		
Typewriting	1895	186	117	6	136	84	3	600	1,000
	1896	107	77	5	81	40	3		
	1897	418	228	15	196	96	.....		
Stenography and typewriting.	1895	174	71	30	96	49	7	600	1,200
	1896	110	39	b 35	66	15	b 2		
	1897	444	137	62	173	55	11		

a Of these appointments 26 male and 21 female were to positions outside the service at Washington, D. C.

b Appointed from stenography and typewriting registers combined.

Table showing the number examined, etc.—Continued.

Service and position.	Fiscal year ended June 30—	Male.			Female.			Salaries at which appointed.	
		Examined.	Passed.	Appointed.	Examined.	Passed.	Appointed.	Minimum.	Maximum.
Departmental service—Continued.									
Proof reading	1895	4	1	.....	1	1	.....	$900	$900
	1896	2	2	.....	1	.....	.....		
	1897	9	5	.....	4	2	.....		
Modern languages	1895	4	2	1	7	5	.....	600	1,000
	1896	5	3	.....	7	.....	2		
	1897	28	14	.....	21	14	1		
Assistant examiner, Patent Office.	1895	154	49	24	.....	.....	.....	1,200	1,200
	1896	151	46	12	.....	.....	.....		
	1897	176	24	6	.....	.....	.....		
Bookkeeper	1895	157	70	6	9	4	.....	720	1,000
	1896	175	85	2	10	2	.....		
	1897	233	104	27	14	4	.....		
Special pension examiner	1895	81	18	24	.....	.....	.....	900	1,300
	1896	72	12	.....	.....	.....	.....		
	1897	147	23	1	.....	.....	.....		
State Department clerk (*a*)	1895	10	4	.....	1	1	.....	900	1,000
	1896	7	3	.....	1	.....	.....		
	1897	15	9	1	2	.....	.....		
Observer, Weather Bureau	1895	44	28	2	.....	.....	.....	720	1,000
	1896	34	22	1	.....	.....	.....		
	1897	37	23	6	.....	.....	.....		
Meat inspector, Department of Agriculture	1895	94	35	14	.....	.....	.....	1,200	1,200
	1896	108	39	34	.....	.....	.....		
	1897	170	54	36	.....	.....	.....		
Station superintendent, Fish Commission	1895	4	2	.....	.....	.....	.....	1,000	1,500
	1896	9	3	.....	.....	.....	.....		
	1897	6	4	1	.....	.....	.....		
Fish-culturist, Fish Commission	1895	13	4	2	.....	.....	.....	600	900
	1896	29	6	4	.....	.....	.....		
	1897	22	12	8	.....	.....	.....		
Statistical field agent, Fish Commission	1895	12	3	1	.....	.....	.....	300	1,200
	1896	13	1	.....	.....	.....	.....		
	1897	2	.....	.....	.....	.....	.....		
Topographic draftsman	1895	7	3	2	.....	.....	.....	840	1,500
	1896	17	7	6	.....	.....	.....		
	1897	88	15	4	2	.....	.....		
Mechanical draftsman	1895	12	4	.....	.....	.....	.....	1,200	1,500
	1896	5	2	1	.....	.....	.....		
	1897	37	10	4	.....	.....	.....		
Telegrapher	1895	2	.....	.....	.....	.....	.....	840	1,000
	1896	.....	.....	.....	.....	.....	.....		
	1897	9	4	1	1	1	.....		
Law clerk	1895	7	1	.....	.....	.....	.....	900	1,000
	1896	.....	.....	.....	.....	.....	.....		
	1897	44	12	.....	.....	.....	.....		
Messenger boy (*b*)	1895	61	32	2	.....	.....	.....	(*c*)	360
	1896	10	7	10	.....	.....	.....		
	1897	433	354	17	.....	.....	.....		
Messenger (*b*)	1895	111	76	2	14	11	.....	360	720
	1896	31	21	10	.....	.....	.....		
	1897	199	165	11	9	6	2		
Watchman (*b*)	1895	32	17	9	.....	.....	.....	480	720
	1896	39	16	8	.....	.....	.....		
	1897	295	221	13	.....	.....	.....		
Assistant microscopist	1897	5	4	.....	347	100	.....	600	600
Tagger	1896	433	309	53	.....	.....	.....	720	720
	1897	345	199	16	.....	.....	.....		
Stock examiner	1896	588	395	18	.....	.....	.....	900	900
	1897	156	68	2	.....	.....	.....		
Skilled laborer	1896	150	115	.....	440	356	.....	.....	.....
	1897	460	327	29	1,247	1,000	98	.....	.....
Railway mail clerk (*d*)	1895	4,605	3,074	643	.....	.....	.....	800	800
	1896	4,974	3,048	613	.....	.....	.....		
	1897	6,486	4,710	381	.....	.....	.....		
Indian service:									
Superintendent and principal teacher.	1895	81	49	2	.....	.....	.....	720	1,500
	1896	75	48	1	.....	.....	.....		
	1897	20	12	2	.....	.....	.....		

a Appointments are infrequent and superior penmanship is required.
b These places were classified November 2, 1894.
c The pay of messenger boys is from 50 cents per diem to $360 per annum.
d Appointments are made to class 1, which includes all places paying a salary of $800 or less per annum. Places above $800 are filled by promotion or transfer. There are a few places paying less than $800. A few positions pay from $1,200 to $2,000 per annum, but appointments are seldom made at these salaries.

Table showing the number examined, etc.—Continued.

Service and position.	Fiscal year ended June 30—	Male.			Female.			Salaries at which appointed.	
		Examined	Passed.	Appointed.	Examined.	Passed.	Appointed.	Minimum.	Maximum.
Indian service—Continued.									
Teacher	1895	193	81	34	235	96	33	$500	$1,200
	1896	123	75	18	209	111	23		
	1897	112	52	7	125	56	11		
Industrial teacher and farmer	1896	6	2	1	.....	.....	.....	300	900
	1897	138	66	3	.....	.....	.....		
Teacher of industries	1896	1	.....	.....	.....	.....	.....	600	600
	1897	10	1	1	.....	.....	.....		
Kindergarten teacher	1896	.....	.....	.....	5	5	1	540	660
	1897	.....	.....	.....	52	42	12		
Nurse	1896	.....	.....	.....	.....	.....	.....	600	600
	1897	.....	.....	.....	9	5	.....		
Seamstress	1896	.....	.....	.....	3	2	.....	600	600
	1897	.....	.....	.....	48	25	1		
Matron (a)	1895	.....	.....	.....	128	82	36	450	720
	1896	.....	.....	.....	145	127	25		
	1897	.....	.....	.....	136	87	27		
Physician	1895	42	10	7	.....	.....	.....	720	1,200
	1896	44	16	9	.....	.....	.....		
	1897	60	18	3	.....	.....	.....		
Government printing service:									
Compositor	1895	466	308	102	11	4	3	b 3.20	b 3.20
	1896	628	436	140	14	7	3		
	1897	426	383	54	14	11	1		
Bookbinder	1895	73	45	8	.....	.....	.....	b 3.20	b 3.20
	1896	95	62	8	.....	.....	.....		
	1897	77	58	6	.....	.....	.....		
Pressman	1895	59	38	1	.....	.....	.....	.....	.....
	1896	71	46	2	.....	.....	.....	.....	.....
	1897	55	42	17	.....	.....	.....	.....	.....
Sterotyper	1895	10	7	.....	.....	.....	.....	.....	.....
	1896	10	7	.....	.....	.....	.....	.....	.....
	1897	5	4	2	.....	.....	.....	.....	.....
Electrotyper	1895	3	2	2	.....	.....	.....	b 3.76	b 3.76
	1896	6	4	1	.....	.....	.....		
	1897	5	4	1	.....	.....	.....		
Electrotype finisher	1897	9	8	2	.....	.....	.....	.....	.....
Electrotype molder	1897	4	3	1	.....	.....	.....	.....	.....

a A few positions pay less than $480.
b Per diem.

PERCENTAGE OF REEXAMINATIONS.

From the best information at hand I should estimate that probably 15 per cent of the persons examined by the Civil Service Commission for original entrance to the service are those who have taken some previous civil-service examination.

CUSTODIAN SERVICE AT ASHEVILLE, N. C.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., January 18, 1898.

Hon. J. C. PRITCHARD,
Chairman Committee on Civil Service and Retrenchment,
United States Senate.

SIR: In further reference to the appointments in the custodian service at Asheville, N. C., I have the honor to submit the following facts which I have obtained from an investigation of the matter at the office of the commission.

I find that on March 19 there were two applicants examined at Asheville for the position of janitor, both of whom failed to pass. Three applicants for the position of watchman were examined at the same time, all of whom obtained eligible averages. It appears that between the spring series of examinations, which terminated the last of April, and June 11, the date of the Treasury Department's requisition for certification of a janitor and a watchman in the custodian service at Asheville, the matter of handling examinations and appointments for the custodian service was in a somewhat unsettled condition, and it was not until after June 11 that the practice was fully determined upon. In the meantime the commission had announced a special examination, which was held on July 15 at Asheville, for the positions of janitor and watchman, for neither of which positions has the Treasury Department asked for qualifications other than a modest amount of scholastic ability. It appears, however, that the papers of the janitors and watchmen, who were examined on March 19, were considered in connection with those who took the special examination, and that, as already stated, the three watchmen who took the examination on March 19 obtained eligible averages, but none of them stood sufficiently well to entitle them to certification.

A careful investigation of the facts in this case shows that in less than three months prior to the requisition of the Treasury Department, dated June 11, the papers of over 30,000 competitors had been received by the commission for marking, among which were those of the three watchmen examined at Asheville. Probably at the time the requisition was received had these three sets of papers been located they would have been graded at once and the names of the eligibles presented for the consideration of the Department, although their examination was not especially for the custodian service, and although the Department has occasionally declined to make appointments from examinations other than those held especially for the custodian service.

This statement, based on the official records of the commission, is presented for the purpose of incorporating it in connection with my evidence before your committee to-day, in order that all the facts may be fully shown in the report of your committee.

Very respectfully,

A. R. SERVEN,
Chief Examiner.

[WEDNESDAY, JANUARY 19, 1898.]

Mr. SERVEN. Mr. Chairman, I could not answer your questions satisfactorily either to myself or, I am sure, to you, in reference to the appointments in the custodian service at Asheville, N. C., for the reason that I had only a small amount of information upon the subject. I had heard a number of things but did not know about the matter personally. So I looked it up yesterday, and I have submitted a short statement, showing just what the records of the commission disclose.

I find in regard to the appointments in the custodian service at Asheville, N. C., that the requisition of the Treasury Department was dated June 11, asking for messenger and watchman; that on March 19 there were two applicants for the position of janitor and several for the position of watchman, who resided at Asheville, who were examined in the regular departmental examination in March, but who did not

apply especially for the custodian service; that of those, when the papers were marked, the applicants for the position of janitor failed to pass the examination, and of the applicants for the position of watchman three obtained eligible averages.

On June 11, the time the requisition was made by the Treasury Department, the question whether the appointments would be made from general or from special examinations held for the particular place was not determined, but the next day after the receipt of the requisition, on June 12, I was at the Treasury Department nearly all day in in consultation with the officials there, making final arrangements for examinations for the custodian service, and also for two or three of the other services, and the letters were finally written some two weeks after the 12th in regard to this matter. The 12th was Saturday. On the first train Monday morning I left town on a trip for the commission in regard to the ordnance service and I was out of town at the time the matter was up. That is the reason why I did not understand it, and why I had to look it up.

I will say, in regard to the subject, just one thing more. The requisition of the Department was dated June 11. The examination was announced within three or four days, and it was held July 15. At the time the examination was announced probably if we had known that there were the papers of three watchmen in the perhaps 35,000 or 40,000 unmarked papers we had on hand at that time, which had just come in—considerably over 30,000 had come in within the last two months—we would have marked up those watchman papers immediately and offered them for the position of watchman in the certification to the Treasury Department, which they might select from if they desired.

The CHAIRMAN. Do you not think that would have been the proper method?

Mr. SERVEN. It would undoubtedly, and I desire to make the correction that on that point the commission should have known that it had those papers. But on account of the mass of papers that had come in which we had not been able to go through we did not know it. If there was any blame I think the blame should be right there, that we did not know what we had in the 40,000 sets of papers.

The examination given at the request of the Treasury Department was not an examination requiring knowledge of firing apparatus, which we have for them. That examination is called the fireman janitor or the watchman-fireman examination. The practical part of either one of those examinations would have required a knowledge of heating apparatus. That is, the experience in handling heating apparatus and the practical questions on the use of heating apparatus would have amounted to over 80 per cent on the whole examination. But as it was, the examinations as given were entirely scholastic and had no reference at all to anything except simply the duties of a little bookkeeping and the clerical work of janitors and watchmen. I think that is all, unless you wish to ask something.

The CHAIRMAN. There is nothing else. You can stand aside. I felt that it was due to the committee to make an examination into that subject.

TESTIMONY OF HON. JOHN B. HARLOW, CIVIL SERVICE COMMISSIONER.

[TUESDAY, JANUARY 18, 1898.]

Hon. JOHN B. HARLOW, being duly sworn, testified as follows:

The CHAIRMAN. Mr. Harlow, I understand that you have a statement which you have prepared and which you desire to submit as a part of your evidence.

Mr. HARLOW. It is not a statement, Mr. Chairman, so much as refers to certain questions that Senator Elkins as a member of this committee has asked me. I have prepared a reply to them, because they went into certain details and required statistics, so that it took some little time to develop the answer I wished to give.

The CHAIRMAN. I understand that you desire to have that statement, or those questions with the answers thereto, incorporated as a part of your testimony.

Mr. HARLOW. Yes, sir; it is my testimony, and it is not my desire especially to have it incorporated, although I have a perfect willingness to do so if it is Senator Elkins's desire. He asked me the questions. They were voluntary questions on his part to me.

The CHAIRMAN. Do you desire to make an additional statement in regard to the operation of the civil-service law?

Mr. HARLOW. I have nothing special upon any point to state at the present moment.

The CHAIRMAN. When were you appointed a Civil Service Commissioner?

Mr. HARLOW. I qualified on the 25th of May, 1895.

The CHAIRMAN. I do not know that I desire to ask any further questions of Mr. Harlow. Mr. Procter, is there anything you wish to bring out?

Mr. PROCTER. Major, this statement is with reference to hours of labor, is it not?

Mr. HARLOW. It covers hours of labor. It covers also the method of efficiency, and it covers apportionment and some miscellaneous questions bearing upon the civil service that Senator Elkins from time to time sent to me to answer.

The CHAIRMAN. Is there anything else you wish to ask, Mr. Procter?

Mr. PROCTER. I should like to say, that so far as the hours of labor are concerned I adhere to the same position I took when Senator Elkins asked me the question. It being purely a Congressional matter, I believe that the hours of labor should be left as they are. I do not know, though, that it would be in order for me to make a statement now.

The CHAIRMAN. I would not care to have it come in now. I am going to ask you to make a statement covering those matters. I see among other things, Mr. Harlow, you say, in answer to a question, "under the civil-service system, however, Maryland, Virginia, and the District have received 320 appointments, which is 109 more than they should have received." How did that occur?

Mr. HARLOW. It is explained right there, Senator.

The CHAIRMAN. Is it a fact that you exercised discretion with respect to the rule governing appointment when you come to deal with examinations that are purely technical in their character?

Mr. HARLOW. We advertise, but all the States do not respond. If it is a technical place and they have responded from certain States,

although they are not in line in the apportionment for appointment, they must necessarily be passed to reach a State that has eligibles who have passed the particular examination.

The CHAIRMAN. How do you propose to remedy that?

Mr. HARLOW. It is being remedied in a general way by appointments not being made to the ordinary positions where we have eligibles from all States.

The CHAIRMAN. Is that the rule which you have adopted with respect to the matter?

Mr. HARLOW. It has been the custom of the commission in, I believe, its whole term as it has been since I have been on the commission.

The CHAIRMAN. For instance, if I understand you correctly, your rule is that no more appointments will be given to various States until other States have received their proportionate share of appointments.

Mr. HARLOW. That is the rule. The exceptions are in a part of reinstatements. Reinstatements affect the rule because the rule states explicitly that a person separated from the service less than one year is reinstatable.

The CHAIRMAN. Are there any exceptions to that rule except in the case of those who come in by reinstatement?

Mr. HARLOW. None that I can recall other than the fact that there are no eligibles upon the registers of the States which are next in line.

The CHAIRMAN. How many States are there having no eligibles on the list for appoinment in the various departments?

Mr. HARLOW. I believe there are none.

The CHAIRMAN. Then that would rarely occur?

Mr. HARLOW. It occurs only in the technical positions where those skilled in science or specialties, in——

The CHAIRMAN. But I am speaking with respect to appointments generally, those that go to the Agricultural Department, the Treasury Department, and the various departments here. Will you give those States any more appointments in the departments before the other States have been given an equal number of appointments?

Mr. HARLOW. No, sir; each State we assign from the State next entitled in apportionment.

The CHAIRMAN. Have you any suggestions to make to the committee with respect to the extension of time to those who are now on the eligible list, extending the time from one to two, three, or four years?

Mr. HARLOW. I have given that subject considerable thought, and I believe that it could be done wisely on certain lines by a renewal of the certificate of the person's physical and mental condition. It would not be necessary to take a new examination, scholastic or otherwise, but I believe that they should at least give a certificate at the end of each year that they are in good health and have not changed materially in other directions, or have not changed their State.

The CHAIRMAN. Give us your idea as to the length of time these extensions should be made.

Mr. HARLOW. It depends entirely upon the character of the employment they are seeking under the Government.

The CHAIRMAN. Suppose one is seeking employment in the Treasury Department?

Mr. HARLOW. As a clerk?

The CHAIRMAN. Yes, sir; as a clerk copyist.

Mr. HARLOW. I think two years is long enough for anyone to be on a register of eligibles for such a position.

The CHAIRMAN. Suppose one is seeking employment in some department where technical skill alone is required?

Mr. HARLOW. Then the limit of time could be extended materially.

The CHAIRMAN. Why do you make this distinction?

Mr. HARLOW. Because one is an actual profession, while the other is simply a position for one who comes in really as an apprentice, having certain characteristics necessary for that apprenticeship.

The CHAIRMAN. You say that one is a profession and the other is an apprenticeship. Why do you make this distinction between the two?

Mr. HARLOW. The reason I have given in my statement here, I think, covers that. One is actually of immediate value upon his entry into the service, while the other must be taught his duties.

The CHAIRMAN. Is it not a fact that an individual who goes into a department in which he is required to perform duties technical in their nature has to serve a probational period of six months before he can be appointed?

Mr. HARLOW. The law requires that.

The CHAIRMAN. Is he not, then, in that respect on an equal footing with the man who enters the service as a clerk copyist?

Mr. HARLOW. Other than the duties he is performing.

The CHAIRMAN. Is not the clerk copyist required to disclose the fact that he is familiar with his duties as a clerk copyist equally with the man who goes in after taking a technical examination, who is required to disclose the fact that he is familiar with the duties he is called upon to perform?

Mr. HARLOW. It is not necessary, Senator, for this reason. The duties of clerk copyist are not previously acquired. He must acquire a knowledge of the character of the material that he is handling and the duties pertaining to his position just as a record clerk must become familiar with the books, etc., while the specialist is familiar with all the details in advance.

The CHAIRMAN. Did you fix any limit of time for one passing a technical examination?

Mr. HARLOW. I left that, I think, in my answer without any special limit. The time should, however, be limited. I have not confirmed to myself what that limit should be. Possibly it should be but two years.

The CHAIRMAN. Suppose one should seek employment in the Government Printing Office, what should be the limit in that case?

Mr. HARLOW. As a compositor?

The CHAIRMAN. Yes, sir.

Mr. HARLOW. I believe all that would be necessary in order to be retained on the register as a compositor there would be to demonstrate at the end of each year that the applicant is still a master workman.

The CHAIRMAN. Do you think that he should be kept on the register indefinitely?

Mr. HARLOW. I can not see any reason why not.

The CHAIRMAN. By simply letting him from time to time show that he is a man of good character?

Mr. HARLOW. And a good workman.

The CHAIRMAN. Once he is a good workman as a printer he is not likely to lose the art. Mr. Procter, do you desire to ask Mr. Harlow anything else?

Mr. PROCTER. No, sir.

The CHAIRMAN. Mr. Harlow, we are much obliged to you.

Mr. HARLOW. Thank you, Senator.

QUESTIONS ASKED BY SENATOR ELKINS, OF THE SENATE COMMITTEE ON CIVIL SERVICE AND RETRENCHMENT, AND ANSWERED BY COMMISSIONER HARLOW, OF THE CIVIL SERVICE COMMISSION.

Question. Is there any provision in the civil-service law which requires the distribution of appointments among the several States and Territories on the basis of population?

Answer. Yes. Section 2 of the civil-service act provides that appointments in the departments at Washington shall be apportioned among the several States and Territories and the District of Columbia upon the basis of population.

Question. What has been done by the commission toward apportioning appointments as required by the law?

Answer. The commission has carried out the provision of the law by filling vacancies in the departments by certification from eligible registers prepared for the different States. It has not been possible to distribute the appointments with mathematical exactness among the several States upon the basis of population, because it sometimes happens, where technical or special qualifications are required, that the State whose turn may be reached in certification may have no eligible on the register with the desired qualifications, and it also happens occasionally that when a special examination is held to fill a vacancy requiring unusual qualifications no eligible can be secured from the State entitled to the appointment. In such cases it has been necessary to depart from the regular order and fill the vacancy without regard to the apportionment, some other State or the District of Columbia, whose quota is full, receiving the appointment. In the great bulk of the appointments, however, regular order is maintained in distributing the appointments among the States.

Question. Is it not true that a large number of the States and Territories have not received a just allotment of appointments, while some of the States have received many more than they are entitled to on the basis of population?

Answer. This was true under the patronage system, but it is not true under the present merit system. The inequitable method of distributing appointments under the old system was one of the objections against it. For instance, the commission had some statistics prepared showing the distribution of nearly 8,000 appointments under the old system. These are given on page 234 of the Thirteenth Report. It is there shown that 40 States and Territories had received 3,130 appointments less than they were entitled to on the basis of population. This excess of course was given to the other 11 States and Territories and the District of Columbia. This was manifestly a most unfair distribution of the appointments in Washington, and no doubt had some influence in changing to the present system under the civil-service law. Up to date, under the operation of the civil-service law, the distribution has been so equitably maintained among the several States and Territories that a total of 41 States and Territories have a deficit of only 127 appointments, which, of course, is an excess for the other 10 States and Territories. This is considered a remarkable showing in view of the fact that in maintaining this apportionment the commission has had to meet many different requirements of the service in the matter of special and technical qualifications of eligibles.

Question. Have not Maryland, Virginia, and the District of Columbia received an excess of appointments?

Answer. Yes; Maryland, Virginia, and the District of Columbia have received a very excessive share of appointments.

Question. To what extent has this been remedied by the application of the civil-service law?

Answer. The application of the civil-service rules is gradually reducing the number of appointments in the departmental service charged to Maryland, Virginia, and the District of Columbia. It should be borne in mind that the large excess secured by those States and the District occurred under the old system before the enactment of the civil-service law. For instance, under the old system Virginia, Maryland, and the District received 3,195 appointments, when they were entitled to only 352. They received, therefore, an excess of 2,843, which should have been distributed among the other States and Territories of the Union. Under the civil-service system, however, Maryland, Virginia, and the District have received 320 appointments, which is 109 more than they should have received. This excess is almost entirely due, however, to the fact that appointments were given to Maryland, Virginia, and the District when special or technical qualifications were required in the positions to be filled and when eligibles with suitable qualifications were not obtained in other States and Territories.

Had the old system continued and Maryland, Virginia, and the District continued to receive appointments in the same proportion as they did under that system, they would have received during the last thirteen years 1,712 instead of 320 appointments. As it is, however, the commission has been able to distribute those appointments among all of the States and Territories of the Union. Each year the large excess charged to some of the States by the operation of the old system, when it was a direct advantage to an applicant for office to be on the ground pressing his claims, is being reduced, and applicants on the commission's eligible list can remain at their homes with the knowledge that if they have passed sufficiently high they may be selected for appointment, and knowing well that if they have not passed high and there are sufficient eligibles ahead of them on the registers they need not waste their time in thinking about their chances of appointment.

In order to make the distribution of appointments among the several States more equitable if possible, the commission has adopted a plan by which States will be credited in the apportionment when their legal residents are separated from the service in Washington. It has been the practice of the commission heretofore to take no account of separations after charging appointments to the apportionment, regarding the distribution of positions among the several States as sufficiently exact by charging the appointments to them when made, without considering subsequent separations from the service in order to adjust the apportionment. It is possible that this plan is sufficiently exact for all practical purposes, but I believe that by keeping a ledger account with the various States, charging them with appointments as they are made and crediting them with separations as they occur, a more exact distribution of the appointments would be made. It should be said in this connection that in order to find out the exact state of the apportionment with respect to the positions in Washington it is necessary to ascertain the present legal residences of employees as well as their legal residences at the time of appointment. I make this suggestion because the extensions of the classified service from time to time in Washington have materially disarranged the apportionment of positions among the several States.

The commission did not consider that it was authorized under the law to charge to the apportionment positions brought into the classified service by extensions of the civil-service rules, and some States, especially Maryland, Virginia, and also the District of Columbia, have

obtained positions now in the classified service far in excess of their quotas in this way; that is, by securing appointments to unclassified positions and the subsequent classification of those positions without charging them to the apportionment. Now that the extensions of the classified service in Washington are practically complete, I believe it would be advisable to take a census of the classified employees in Washington, ascertaining their present legal residences as well as their legal residences at the time of appointment, and charging to each State the legal residents of that State, so that the distribution of appointments hereafter may be based upon the results of that inquiry.

Question. Does not the law require that the employees in the departments shall work seven hours a day?

Answer. The law now in force fixing the hours of labor in the departments is contained in section 4 of the act of March 3, 1883. The section reads as follows:

4. That hereafter it shall be the duty of the heads of the several Executive Departments, in the interest of the public service, to require of all clerks and other employees, of whatever grade or class, in their respective departments, not less than seven hours of labor each day, except Sundays and days declared public holidays by law or Executive order.

This is a matter that does not come within the province of the commission except in carrying out the requirements of the law with respect to the hours of labor of its own force. It will, therefore, be understood that I am giving only my personal views on this subject, as the commission has, of course, nothing to do with the hours of labor in the departments, each department having its own regulations on this subject. It seems, however, that although the law requires that employees shall work, or render seven hours' labor each day, it is the practice in all of the departments to consider one-half hour for lunch as a part of the hours of labor, and consequently the great bulk of the employees in and outside of Washington, except those employed in the postal service, are required to work only six and one-half hours daily. It does not seem to me that this practice is authorized by law, which provides that there shall be at least seven hours of labor, and it is not seen how one-half hour for lunch can properly be considered as a part of the hours of labor provided in the law.

Question. About how many employees in the departments actually work seven hours a day, not including the half hour for lunch?

Answer. The number can be only approximated. At the close of the fiscal year ending June 30, 1896, there were 15,963 officers and employees in the executive service in the District of Columbia. That force is divided up as follows:

Presidential appointees	91
Regular classified employees	15,035
Workmen and laborers and others unclassified	803
Employees excepted from examination or excluded from classification	34

It is estimated that of this number of employees the following are required to work more than six and one-half hours, or the full time required by law:

Chiefs and assistant chiefs of division	150
Messengers, watchmen, etc	930
Workmen and laborers, etc	803
Persons employed in the mechanical trades, etc	3,000
Classified clerks and others required to work more than six and one-half hours	1,000
Number required to work seven or more hours	5,883
Number required to work only six and one-half hours	10,000

Of the 10,000 or more employees in Washington who are not required to work the full time required by law, it is believed that about 1,000 are engaged upon professional, technical, or scientific work, which requires greater mental exertion than is required upon the ordinary routine work, upon which a very large majority of the employees are engaged. It is therefore probable that no saving can be effected by increasing the hours of labor for those employees engaged upon difficult work, but this estimate leaves about 9,000 employees in the city of Washington who could, with profit to the Government and without injury to themselves, work the full time required by the law, if there is sufficient for them to do.

Question. Has any department or bureau introduced the seven-hour system, not including the half-hour for lunch?

Answer. I know of none, although in all of the departments and bureaus extra work is required of the employees at times. This is especially true of the Civil Service Commission when the work is largely in arrears, and much extra time is put in by the employees.

Question. What, in your opinion, would be the gain in time and money to the Government if all the Government employees in this city were required to work the full seven hours, as required by law?

Answer. The requirements of the law, if enforced in the cases of the employees engaged upon routine work, would, on the basis of 9,000 employees so engaged, mean a gain to the Government of one-half hour's time from each employee, or 4,500 extra hours a day, which would be equivalent to the time of 643 employees each year working seven hours a day. As the average salary of the clerks in Washington is $1,250 a year, this would mean a saving to the Government of over $800,000 a year for clerk hire.

Question. How many employees outside of Washington work only six and one-half hours, and what would be the gain in time and money to the Government if all employees outside of Washington were required to work the full seven hours?

Answer. The employees in the customs and internal-revenue services and other miscellaneous employees number about 8,000. The work of quite a number of the employees outside of Washington is regulated by the conditions of the service, the amount of work fluctuating from day to day and from week to week. This is true of the work of a good many of the employees in the customs and internal-revenue services. So it is difficult to say to what extent the Government would gain by increasing the office hours for the employees outside of Washington. It is quite certain, however, that the Government would not gain in the same proportion as it would in this city, where the work is more regular.

Question. How many days in the year are the departments open, and what is the average number of days each employee works during the year?

Answer. The departments are open every day, except Sundays and public holidays declared by law or Executive order. The departments are, therefore, usually open about 306 days out of 365, and each employee is required to work this number of days unless he is absent on account of leave or sickness.

Question. How many days of annual legal vacation are granted to employees?

Answer. The number of days of annual legal vacation granted to the employees differs in the different branches of the service, in and outside of Washington. In the departments the employees are granted thirty days' leave with pay each year, if their services can be spared,

which is nearly always the case. In the Government Printing Office the employees are granted thirty days' leave, although the hours of labor are longer in that office than in the departments. The same is true of the Bureau of Engraving and Printing. Outside of Washington the employees in the customs and internal-revenue services are granted from fifteen to thirty days' leave with pay. In the postal service, however, the employees are granted only fifteen days' leave, although the hours of labor are longer than in the departments.

Question. How many days with pay are allowed for sickness?

Answer. The employees in the departments may, under the law, be granted thirty days' sick leave with pay, in any calendar year, which may be extended to sixty days with pay in exceptional and meritorious cases. It is a noticeable fact that nearly all the cases where extensions of sick leave are requested are regarded as exceptional and meritorious, and employees are permitted to be absent for sixty days on account of sickness whether they are entitled to it on the score of efficiency or not.

Question. What has been the experience of the commission as to the abuse of sick-leave privileges?

Answer. From information that has been received at the commission at various times there is hardly any question that there is considerable abuse of sick-leave privileges in the service. To what extent this abuse is carried I am unable to say, as the commission receives no reports from the departments relative to this matter. The application of the civil-service rules to the departments has had the effect of greatly reducing the amount of absence on account of alleged sickness. Some years ago, before the application of the civil-service rules, one department prepared some statistics on this subject, and the results were surprising. It was shown that there was an extraordinary amount of sick leave granted each year. Cases were not infrequent where employees were absent continuously for several years with pay on account of sickness. These abuses led to the insertion in the appropriation act of March 3, 1883, of a provision that the total amount of absence with pay on the part of an employee for any calendar year should not exceed three months, which includes one month annual vacation and two months for sick leave in exceptional and meritorious cases. I am of the opinion that 75 per cent of the abuse of sick-leave privileges has disappeared since the enactment of the civil-service law, but there is still great room for improvement.

Question. Have any attempts been made by the commission to check this abuse; and if so, to what extent has it succeeded?

Answer. Yes; the commission has had the question under consideration some time. It has had prepared a form of efficiency report, whereby the actual efficiency of an employee is to be determined not by giving him credit for good office habits in the matter of punctuality, conduct, industry, etc., which are elements entirely within his own control, but to charge him with delinquencies in these respects, and to consider the kind of work, the quality of work, and the quantity of work upon which he may be engaged, as well as the number of days he may be on duty each year, in determining his relative efficiency. These regulations have been adopted in two of the departments, and the commission understands that the amount of sick leave has perceptibly fallen off, as the employees know that absence in excess of the time allowed by law for annual leave reduces their efficiency ratings, putting them out of line for promotion and perhaps in line for reduction or dismissal. The commission's plan of rating efficiency is based upon the theory that when an employee is absent in excess of the time allowed by law for

annual vacation the Government is deprived of service to which it is entitled, and accordingly no efficiency rating is given.

Question. What would be the estimated saving to the Government if proper regulations were in force to check this abuse?

Answer. It is difficult even to approximate the saving that would be effected by reducing the amount of sick leave to a minimum, that is, to grant sick leave only in cases of actual sickness, as contemplated by the law.

Question. What regulations would you suggest?

Answer. I believe that regulations similar to the regulations that have been adopted by the Post-Office and Navy Departments, with such modifications as experience may suggest, will be effective in preventing the abuse of sick-leave privileges. In addition to those regulations, which were formulated by the commission, I would further suggest that the commission be given authority to call upon the departments annually for information in regard to the absence of employees. Such information, in my opinion, together with other details relating to the personnel of the service, ought to be published annually by the commission in its reports for the information of Congress. It is only by having the information in convenient statistical form that it can be studied with a view of improving the service. Its publication would also, I think, have a salutary effect upon the employees of the service.

Question. In your opinion, should the clerks in the various departments who record the efficiency of employees be under the sole control of the Civil Service Commission? Would not such a plan lead to more equitable ratings and lessen the number of complaints on account of alleged unjust ratings?

Answer. I think it would be a wise move to have those persons who make the efficiency ratings responsible to the commission for the fairness and accuracy of such ratings. It is almost impossible to secure absolutely equitable efficiency ratings when those who are charged with the responsibility of making such ratings are subject to the displeasure of higher officials when perhaps some clerk who has brought sufficient influence to bear endeavors to secure a higher rating than is given him. Such cases, I am informed, are not infrequent, and the chiefs of division, as I say, do not like to incur the ill will of subordinates with influence or jeopardize their positions by antagonizing their superior officers in rating the efficiency of clerks.

If there was a board of examiners in each department, under the sole control of the commission, charged with the duty of determining the efficiency of employees, after conference with those in charge of the various bureaus and divisions, and after personal investigation, I believe that the greatest good would result. I do not think there is a single officer of the Government who does not look upon the question of efficiency ratings and promotions as an annoying one, a thankless job, so to speak, and one which could properly be invested in an independent tribunal like the Civil Service Commission, which would not be affected by the personal equation or the political or other influence which has always entered so largely into the matter of determining the fittest persons for promotion. I would recommend that steps be taken to give the commission authority in the premises, so that certifications may be made for promotions, reductions, and dismissals, on the same plan as they are now made for original appointment to the service.

Question. By applying to the business of the Government the same rules, as far as practicable, that apply to business houses and corporations throughout the country, what should the cost of the executive

civil service be as compared with its present cost? In other words, what would be saved annually to the people who pay taxes?

Answer. The salary allowance for Government officials and employees is $100,000,000 annually. Besides, the officials and employees control the expenditure of several hundred millions more in conducting the business of the Government. The need of having thorough business methods in every department of the Government is apparent when such an enormous expenditure is involved. In the matter of salaries alone I believe that many millions would be saved if the departments were managed like any successful business house or corporation, with similar hours for transacting business, with a reclassification of salaries according to duties, with the discontinuance of unnecessary work and the lopping off of unnecessary positions. The difficulty with the present salary classification is that the bulk of the employees are paid out of all proportion to the importance of the work upon which they are engaged, while other employees who are doing the responsible and most difficult work, requiring the greatest amount of ability, are not paid nearly so much as they would receive for similar work if they were employed by a business house or corporation.

The Government can not expect to secure the most competent persons for the most important work when it makes barely any distinction between the salaries of those and the salaries of the employees engaged upon the merest mechanical work. I would suggest an entirely different salary classification from the present one. I would have the entrance salaries for clerks and other employees much lower than at present, little above the entrance salary paid in a business house or corporation; but I would pay the employees who have the ability and are advanced to the most responsible and difficult positions precisely as they are paid in a business house or corporation, in accordance with the value of their services. As it is now, an employee who is worth more to the Government than several employees engaged upon routine work receives but little more compensation than those engaged upon such work. The effect of this policy is, that as long as there is not sufficient room for advancement in the public service, the class of men who would be of great assistance in building up the service and of making it more efficient prefer to cast their lot with a business house or corporation, or to enter other private employment, where the pay in the beginning may be much less than is paid by the Government to beginners, but where the chances for increases in salary in proportion to ability and experience are much better than the Government offers to those who enter its employment.

Question. For the same kind of work does the Government pay its employees more or less than private business houses, firms, or corporations?

Answer. On an average those engaged upon routine, clerical, and other work receive from 25 to 50 per cent more salary than employees of private establishments performing similar work. In some cases the difference in salaries is even greater. I do not think there should be so great a difference in salaries, and I am confident that this difference is principally owing to the uncertain tenure of office of Government employees. The Government's work has heretofore and is still to a considerable extent looked upon as offering only temporary employment, and the salaries paid have been in consequence larger than those paid by private establishments, where the tenure is more secure and the prospects of advancement much better. I recognize the fact that the Government should pay somewhat more for the same kind of work

than private establishments, in order to secure the best material for its service; but with a more certain tenure of office, based upon efficiency and good behavior, and the assurance of promotion upon merit, there would be no difficulty in securing competent men and women for much of the work at lower salaries than are now paid.

Question. Evidently you have given this matter careful consideration. Do you think it fair or just that employees in the Government Printing Office should work more hours than employees in the departments?

Answer. Speaking in a general way, I do not think there should be any distinction in the matter of hours of labor for the employees in the different departments or bureaus, unless it can be shown that those having the shorter hours of labor could not have the hours increased without impairing the quality of their work and with no appreciable increase in quantity. This should be the chief consideration, because it would be of no advantage to the Government to increase the hours of labor if no more work could be accomplished, and if the quality of the work should be impaired by such increase. As much of the work in the departments, however, is of a routine character, requiring little mental exertion, I do not see why more work could not be accomplished, or why the quality of the work should be impaired by increasing the hours of those engaged upon such work.

Question. Do you think the ordinary clerks in the departments should have shorter hours than the laborers in the service, especially the mechanics and skilled laborers?

Answer. No; as a rule, I do not. The rank and file of the clerks are on easy work, and it would be no hardship to require eight hours of them each day. In fact, their work requires no more, if as much, mental energy as is demanded of many mechanics and skilled laborers, where the eye and hand, as well as the mind, are actively employed.

Question. I presume that you are aware that there is some criticism throughout the country, especially among labor bodies, on account of the difference between the short hours of labor in the Government service in Washington and some branches of the service outside of Washington as compared with the long hours—in some cases nine or more hours—required of persons in private employment?

Answer. Yes; I understand that persons in private employment feel that the hours of labor of Government employees are very short, while theirs are comparatively long. It must be admitted that the practice of the Government in requiring only six and one-half hours' work each day is apt to make those employed by private firms and corporations discontented; and it seems to me the nearer that the Government approaches to the eight-hour law, in regard to its employees, with the exception of those engaged upon work requiring great mental exertion where an increase in the hours would probably result in no more work, or work of a poorer quality, the less reason will people in private employ have for being dissatisfied with their own condition.

Question. Is it not a discrimination against the real laboring man, who does not feel himself humiliated by performing laboring work, to appoint to positions which he can properly fill, such as watchmen, messengers, and laborers in the Government service, persons who regard themselves as above such positions, who are presumably qualified by education and previous training for higher positions, and who therefore do not give their work that attention which a conscientious discharge of duty requires? Is not the public service injured by this class of appointments?

Answer. I think the appointments of such persons is injurious to the public service. They perform unsatisfactory work, and the real laboring man, who, from his previous training and experience, would perform cheerfully and willingly the duties of such positions, actually feels that he is discriminated against because of his lack of education and refinement, when other persons are appointed who regard themselves as above the duties required. No man ought to be appointed to a position if he can not do all of the work required of him cheerfully and to the satisfaction of his superior officers.

A number of instances could be cited in the service here and elsewhere of persons occupying minor positions, the duties of which they regard as distasteful. When they are called upon to do the work of messengers or laborers it comes in the form of a request, in a half apologetic tone, from their superior officers, who get out of patience with the employment of this class of persons in such capacities; but, unfortunately, they are kept in their positions through sympathy, to the exclusion of more satisfactory persons for the work. I have in mind a case where one of the officials in a department had a messenger assigned to him whom he was astonished to meet frequently in social circles. The officer complained that he did not want a messenger that would cause mutual embarrassment whenever he called upon him to perform such work as to empty the wastebasket, to lower the windows, or to supply fresh ink. Yet there are many such cases in the service to-day.

The subcommittee adjourned until to-morrow, Wednesday, January 19, 1898, at 10 o'clock a. m.

WEDNESDAY, *January 19, 1898.*

The subcommittee met at 10 o'clock a. m.

Present: Senators Pritchard (chairman), Chilton, and Harris; also Hon. John R. Procter, president of the Civil Service Commission, Mr. E. D. Bailey, chief clerk, Mr. A. R. Serven, chief examiner, and Mr. G. R. Wales, of the Civil Service Commission; and Hon. Henry M. Baker, acting president of the National Anti-Civil Service League.

CIVIL SERVICE COMMISSION.

TESTIMONY OF E. D. BAILEY, CHIEF CLERK.

E. D. BAILEY, chief clerk, being duly sworn, testified as follows:

The CHAIRMAN. Where do you reside, Mr. Bailey?

Mr. BAILEY. Washington, D. C.

The CHAIRMAN. What is your present occupation?

Mr. BAILEY. I am an employee of the Civil Service Commission.

The CHAIRMAN. In what capacity?

Mr. BAILEY. Chief clerk of the chief examiner's division.

The CHAIRMAN. How long have you been employed by the Civil Service Commission?

Mr. BAILEY. Since July, 1887.

The CHAIRMAN. Then you have had considerable experience in that department?

Mr. BAILEY. Yes, sir; my position has been one that has given me an intimate knowledge of the work of the commission.

The CHAIRMAN. You were there, then, May 6, 1896, when the order was issued to which reference has been made heretofore?

Mr. BAILEY. Yes, sir; I was acting chief examiner at that time.

The CHAIRMAN. Do you know anything about the preparations for the order of May 6?

Mr. BAILEY. Yes, sir; I was quite familiar with the preparations.

The CHAIRMAN. What steps were taken by the commission before the order was made in order to enable the commission to be fully prepared to handle the subject?

Mr. BAILEY. I think the president of the commission interviewed some of the heads of departments and bureaus to get some general information. I do not think, however, that any careful investigation was made of the extensions proposed.

The CHAIRMAN. Was an effort made to secure an eligible list from which to supply appointees for the various places included at that time in the classified service?

Mr. BAILEY. Not previous to May 6.

The CHAIRMAN. How many places were included at that time?

Mr. BAILEY. Something over 31,000, probably. A little discrepancy has grown up by reason of the fact that just prior to that time there were some inclusions and a few more just subsequent to that date.

The CHAIRMAN. I did not catch your last remark.

Mr. BAILEY. As to the number, there were something over 31,000 brought in at that date. The reason for a little discrepancy in respect to it sometimes arose out of the fact that some extensions were made just prior to that date and a few more just subsequent to it. That creates a little discrepancy sometimes.

The CHAIRMAN. Was there any discussion by the commission at the time as to the advisability of letting those departments come gradually into the classified service rather than have them all placed under the classified service at once?

Mr. BAILEY. Yes, sir; there was discussion on that point. One was as to the extent that it ought to be considered, and the other was as to whether the extension should be absolute or gradual.

The CHAIRMAN. Were you present at the time there was a rough draft of the order made?

Mr. BAILEY. Yes, sir; I was present. I will state in reference to the manner of preparing those rules that they were in course of preparation for a considerable time. The secretary of the commission was the first to draft new regulations, or new rules, I should say. They were then turned over to the chief examiner, and he took the matter up de novo on a system of his own. The preparation of the rules ran over several months. Meanwhile the chief examiner, Major Webster, died, and the rules were then taken in hand by the commissioners themselves, aided by their subordinates.

The CHAIRMAN. When the rough draft was made, was there a proviso included which excepted certain departments for the time being from the operation of the law?

Mr. BAILEY. Yes, sir; there was a proposition that the extension should become operative only as rapidly as the commission was able to handle the new services.

The CHAIRMAN. What became of that proviso?

Mr. BAILEY. It was not adopted by the President.

The CHAIRMAN. Why was it not adopted? It was the consensus of opinion of the commission that it should be done, was it not?

Mr. BAILEY. Yes, sir; I think it was.

The CHAIRMAN. Now, why was it left out?

Mr. BAILEY. It was left out at the last moment—I might say in the last conference that was held prior to sending the rules to the President. The commission were not all of them present at that time.

The CHAIRMAN. At whose instance was it left out?

Mr. BAILEY. I am under the impression that Colonel Rice left it out.

The CHAIRMAN. Do you not think that that was a very good proviso to have in the order at that time, in view of the fact that no preparation had been made for the extension of the classified service and in view of the further fact that you were taking in 31,000 places?

Mr. BAILEY. Yes, sir.

The CHAIRMAN. How many officials had been taken into the classified service in any one order prior to that time?

Mr. BAILEY. The largest number ever taken in prior to that time was by President Harrison—7,600. The next largest was by President Cleveland—7,000.

The CHAIRMAN. How long did it take to assimilate properly the 7,000; that is, to get the civil-service rules and your eligible list in such a condition that you could properly handle them?

Mr. BAILEY. Under those large extensions?

The CHAIRMAN. Yes, sir; under the extension which embraced 7,000 places.

Mr. BAILEY. Under Mr. Harrison's extension, 7,600, the larger post-offices, it absorbed the work of the commission for probably more than one year. I think the commission make a statement of that kind in their tenth report.

The CHAIRMAN. Yes, but we want to get it in evidence here. Do you think the commission was at all prepared to handle the 31,000 positions at that date, May 6, 1896?

Mr. BAILEY. No, sir; not on that date. I think that in order to properly handle them it was very important that arrangements should be made to have the classification gradual.

The CHAIRMAN. What has been the result, in your judgment, of taking so many places in at one time without being prepared to handle them properly?

Mr. BAILEY. It threw upon the commission suddenly a great amount of work for which it was not well prepared and led to more or less confusion in all the work of the commission.

The CHAIRMAN. How is the commission organized? Have you a regular bureau there as they have in other departments for the conduce of business.

Mr. BAILEY. Do you mean divisions?

The CHAIRMAN. I mean a well organized and well disciplined bureau of men to do the work.

Mr. BAILEY. Yes; the commission is organized in this manner. There are two general divisions—one under the chief examiner, the other under the secretary. Under the chief examiner there are subordinate divisions, four in number. The secretary's work is conducted under one division.

The CHAIRMAN. Has the commission been able, since May 6, 1896, to comply with the request for eligibles from the different departments right along, regularly?

Mr. BAILEY. There have been a very large number of temporary appointments made, necessitated by a lack of eligibles for certain positions.

The CHAIRMAN. In what department has that appeared to the greatest extent?

Mr. BAILEY. I think the largest number of temporary appointments have been made in the Light-House Service and the Marine-Hospital Service. There were a considerable number of temporary appointments made in the engineer service. There have been, however, a good many temporary appointments in nearly all of the various services.

The CHAIRMAN. Have you examined the record with a view to ascertain whether the eligible list gradually increases each year? For instance, is the eligible list for the year just ended larger than in the year preceding?

Mr. BAILEY. Yes, sir; I think there is no doubt of that. I have never given——

The CHAIRMAN. At what ratio is it increasing?

Mr. BAILEY. I do not think an opinion on that point without a little investigation would be worth very much.

The CHAIRMAN. You can ascertain that. I should like to have that go in. I did not think to ask the question of Mr. Serven when he was on the stand.

Mr. BAILEY. It can be ascertained.

The CHAIRMAN. As I understand it, under the rules at present a person on the eligible list is entitled to remain there only one year.

Mr. BAILEY. That is all.

The CHAIRMAN. Do you think that the rule should be amended with respect to that matter?

Mr. BAILEY. Yes, sir; I do.

The CHAIRMAN. We shall be glad to hear any suggestions you may have to make in regard to that matter.

Mr. BAILEY. If I were going to make any suggestions I should be glad to make somewhat extended suggestions on that subject, because I have given considerable thought to it.

The CHAIRMAN. We shall be glad to have you make the statement. It is a very important matter, as I view it.

Mr. BAILEY. I think it would save the commission a great amount of work if eligibles were permitted at the end of the one-year period of eligibility to renew their eligibility by filing a renewal application.

The CHAIRMAN. What should be the nature of that application?

Mr. BAILEY. A renewal of their statements as to their legal residence, present occupation, and other points that are included in the original application. It would not be necessary, probably, to cover all the original ground, but those points on which there are liable to be changes I think should be covered in the renewal application.

The CHAIRMAN. You can proceed with your statement.

Mr. BAILEY. I think there is something that should be done prior to any change of that kind, if it is your desire that I shall make any statement I have in mind in regard to changes.

The CHAIRMAN. Anything bearing on this particular subject we would like to hear.

Mr. BAILEY. I believe, in the first place, there should be a reclassification of the service according to the character of the work of the various positions. The present classification is based upon salaries. It is all right for its original purpose. It does not aid any, however, in arranging the examinations. The amount of salary a man receives does not indicate in any degree the character of the examination which ought to be given to him.

The CHAIRMAN. Is that the basis upon which they have been arranged heretofore?

Mr. BAILEY. No, sir; as a matter of fact there has been nothing systematic in the arrangement but a little accidental grouping of positions, which I think might be made more permament and more of a recognized feature of the organization. I believe that the whole service might be divided, for example, into, say, five groups or grades, beginning with the subordinate places below the grade of clerks. That would include messengers, watchmen, elevator conductors, skilled laborers, and other places that are semiclerical. I should think perhaps the next grade would be such positions as are in the railway-mail service, post-offices, and some other classes of places where the highest grade of clerical work is not required, where a good deal of manual labor is required together with clerical ability. I think the next higher class should be the clerical class, which perhaps would include more than one-half of the entire service. There should be still another class, the technical and scientific places.

I believe there ought to be basic examinations to fit each of these grades. I think the examination, for instance, for the lower class should test by the application the moral fitness, the educational qualifications, and the general intelligence of persons who are to be employed in the subordinate grades. When a list of persons who are eligible in view of these general qualifications has been prepared, I think that subsequently any tests which are essential to determine their fitness for specific places could be applied, and applied only to those eligibles.

Taking the next grade, I think that there should be lists of eligibles made in a similar manner by a test of moral fitness, residence, age, and educational qualifications. When there are special places requiring special qualifications, there could be supplementary tests. In the same manner I would treat the clerical places. There is a grade of intelligence and education required for the major part of the clerical positions in the Government service. I think a general examination could be made which would test the fitness of applicants for that place.

Those clerical positions sometimes require special qualifications—as, for instance, a knowledge of law, a knowledge of stenography, and various other qualifications of that kind. Bookkeeping is one called for frequently. I think to this basic examination could be added a test for special places, and the eligibles for this grade could be differentiated in that manner.

The highest grade, scientific and technical places, requires a greater variety of tests, but I believe that even there applicants might be required to prove their educational fitness for those places, and to this could be added supplementary tests to prove their fitness for special places. I believe that a classification in the manner I have suggested would form the basis of a far better system of examinations than we have ever had.

The CHAIRMAN. Do I understand you to say that you have no classification of the examinations at present?

Mr. BAILEY. Something in that line has already been accomplished. It simply lacks the basis in this grouping that I speak of—a recognition of it in the departments. The system is already well outlined in that direction, but not completed. We have, for instance, the first, second, third, and fourth grade examinations. That is the system in embryo. When perfected and recognized by the departments, it would be developed and made the basis of the entire system of examinations.

The CHAIRMAN. You say it is not recognized by the departments at present. In what respect do they refuse to recognize that principle?

Mr. BAILEY. I would not say that they refuse to recognize it. I think they are unfamiliar with it, and there having been no classification of the employees of the Departments, neither the commission nor the Departments at once recognizes where a man should be classed when a request is made for a certification.

In regard to the period of eligibility, I think there were good reasons to begin with for limiting that period to one year. I do not think any mistake has been made in the past, but the conditions have changed. The classified service has greatly increased. The variety of examinations is much greater than it used to be. The commission's knowledge of what is a reasonable test is more fixed than it was at the beginning. There is less likelihood of changing the character of the examination. I think the time has come when the renewal of the period of eligibility by the filing of a renewal application would be a perfectly safe and desirable thing.

The CHAIRMAN. To what extent do you think the period should be extended?

Mr. BAILEY. I think that to begin with, a conservative change would be to make the possible period three years. That, of course, is a mere matter of judgment or opinion. It might be made four years. I believe it would be a great saving to the work of the commission, by reason of the fact that a great many persons who are reexamined year after year would renew their eligibility, and the necessity for marking their papers again would not exist.

Senator CHILTON. Would that produce any economy in the administration of the commission?

Mr. BAILEY. Unquestionably. We have examined during the past year more than 50,000 applicants. It is not possible to state with definiteness what proportion of that number will reappear for examination this year, but evidently quite a large percentage of them will do so. We have lately, since this subject has been mooted, made a little superficial examination of it, and have ascertained that 25 per cent of the papers examined were those of persons who had been previously examined. Even if the percentage were no greater than that, there would be a very considerable saving to the commission in the grading of papers. For instance, on the basis of 50,000 a year, which of course is excessive under ordinary conditions, there would be a saving of more than 12,000 papers to be marked.

Senator CHILTON. Do you think it is possible that the clerical force of the commission might be reduced, without impairing its efficiency, if some provision, such as you suggest, extending the period of eligibility to three or four years, was introduced and passed? You have noticed, of course, that there has been some complaint about the growth of the force of the commission, and some comparison of the appropriations made for its maintenance during the first two or three years of its existence with the appropriations required at the present time.

Mr. BAILEY. I am very sure there would be great economy of labor, and that there would be a great increase in the efficiency of the force of the commission with this and some other changes that can be made. I would not like to say that I think there could be a reduction of the present force. I think it would need some experience to judge that that would be possible. I should think it would be a very desirable thing to make a change of this kind if it would make it possible to do the work of the commission efficiently with the present force. I do not

know that it would be. Perhaps it would, however. I confess I have thought with some changes of this character, coupled, perhaps, with some other changes, that the same work which is being done now could be done by the present force without an increase. It is a matter of opinion, however.

The CHAIRMAN. Do you speak of the present force exclusive of the detail, or do you mean to include the detail when you speak of the present force?

Mr. BAILEY. I should think there could be a reduction of the detail force. To put it just as it has been in my mind, I have thought that the commission——

The CHAIRMAN. Senator Chilton was not present when the facts were brought out as to the number of employees. Will you please state the number of clerks employed by the commission?

Mr. BAILEY. The commission's force consists of 57 clerks, 5 officers of the commission, 62 in all. The present detailed force is about 45, varying slightly from day to day, but in the neighborhood of 45.

Senator CHILTON. Now proceed with the statement you were about to make, as to what you had thought.

Mr. BAILEY. I had thought it would be possible to economize the work of the commission in such a way as to get along with the present force.

Senator CHILTON. The regular force?

Mr. BAILEY. Yes, the regular force. I have been of that opinion. There is, however, one class of details that the law originally contemplated, and I believe it would be an advantage to the commission to continue it. I have not any doubt in my own mind, in studying the law and the debates in connection with the adoption of the law, that there was a thought in the minds of those who drafted it of securing the practical knowledge and help of persons connected with the departments, and I have thought that if the rules provided for the detail regularly of from one to three persons of high grade from each of the departments—persons occupying confidential relations with the departments and with the commission—it would be an advantage. I can see that consultations are constantly necessary in regard to the character of examinations for the certifications that are to be made, and persons of this kind of a higher grade than we ordinarily get in details would be a positive advantage to the commission and to the departments, keeping the commission and the departments in touch with each other.

There are some other things, if you desire me to continue these suggestions, that have occurred to me in considering matters connected with the work of the commission.

The CHAIRMAN. Very, well; proceed.

Mr. BAILEY. I believe the application, or something in connection with the application, could well be made a part of the examination of each applicant, and that for many positions applicants who prove their utter incapacity for work could be rejected on the basis of the application itself. No account is now taken in grading an applicant of the good or ill work done in his application or of the statements made in it. He is required to file an application answering certain questions, but if his application is found so defective as to indicate an utter lack of clerical ability it is simply sent back to him for correction, and he is advised how to correct it. I believe, instead of sending it back to him for correction, he might be graded on the work of that application.

Senator HARRIS. I beg your pardon for just a moment. Do you say

that the character of the application is not considered at all in the estimate of the fitness of the applicant?

Mr. BAILEY. It is considered in a very important sense in estimating the fitness of the applicant for public service; for instance, his moral character is considered. What I mean to say is, that no weight is given to it in obtaining the general average.

Senator HARRIS. The general character of the application is not considered?

Mr. BAILEY. No, sir. I speak of this because I think something will have to be done in the near future to eliminate a large number of applicants who are utterly disqualified for positions, and yet who fill the examinations and impose upon the commission a large amount of work which is practically useless.

The CHAIRMAN. What per cent of that class of people do you get by the present mode?

Mr. BAILEY. As nearly as we know, about one-third of all the applicants fail to pass the examinations for which they apply. That has been all through the history of the commission a general fact, with variations. I believe that the applicants might be tested by some preliminary test, either in the application itself or something in connection with it, and many of them eliminated from the final tests, so that a great part of the work of grading their papers would be done away with. Something like this did prevail at one time in the commission. It was the practice to mark all applicants on two or three subjects. If they failed to pass on those subjects the other subjects were not marked. I can not state just why this practice was discontinued. I think there were reasons for it at the time; it produced some confusion in the work of the commission, but I think as a recognized feature of examination tests it would be a perfectly practicable thing, and, as I said, would save a great amount of work for the commission.

Senator HARRIS. Your idea is that the commission ought to be given power to consider the character of the application, and if that was in their judgment manifestly lacking in the necessary requisites, they could reject the applicant at that point and not go on with any further examination?

Mr. BAILEY. Yes, sir.

The CHAIRMAN. Did I understand you to say that you would give them power to make an investigation as to the character of the applicant?

Mr. BAILEY. For a clerical place?

The CHAIRMAN. Yes.

Mr. BAILEY. For a clerical place an applicant ought, in his application, to display clerical ability enough to meet the requirement?

The CHAIRMAN. In other words, is it not a fact that the application discloses the requisites required of an applicant?

Mr. BAILEY. It does to a considerable extent.

The CHAIRMAN. How much further do you think it should be extended?

Mr. BAILEY. I think that an applicant might be required to file with his application a letter on a subject to be given by the commission, which letter should be written in the presence, for instance, of the secretary of one of our local boards, so as to be a guaranty that it was the applicant's original composition, in his own handwriting. That letter and certain features of the application might be graded.

Senator CHILTON. Would it not impose a hardship right there to require him to go to the local boards to make an examination?

Mr. BAILEY. He need not go to them to make the application, but to write the letter.

Senator CHILTON. That is the same thing. He would be required to write a letter to the commission to be filed with the application, I understand?

Mr. BAILEY. The amount of labor imposed upon the secretary of the local board, I think, would not be very great.

Senator CHILTON. But I am speaking about the man who goes to him. In the States the local boards are 100 or 150 miles apart, I understand.

Mr. BAILEY. There are local boards now at every free-delivery post-office in the country. There are about 800 boards in the country.

The CHAIRMAN. Do you remember how many local boards there are in my State?

Mr. BAILEY. No; I do not remember.

The CHAIRMAN. You have not more than six at different points, if so many.

Mr. BAILEY. I should guess there are more than that number, but I would not like to state offhand.

Senator CHILTON. In my State the free-delivery offices are anywhere from 50 to 75 and 100 miles apart.

The CHAIRMAN. It is the same way in my State.

Senator CHILTON. They are only in towns of over 10,000 population, where the receipts of the last year were $10,000 or over, and the service is not in all of them; but the plan is to put free delivery into operation in all offices of that kind, where the towns have a population over 10,000.

Mr. BAILEY. I would say that the idea of writing a letter is not an essential feature.

Senator CHILTON. I just wanted to analyze that point. Excuse me for interrupting you.

Mr. BAILEY. The principal point, I believe, is that the examination of an applicant might begin with the filing of his application, and that many applicants could be rejected on the basis of their failure to display sufficient ability to make good clerks.

Senator HARRIS. It would be in the nature of a preliminary examination?

Mr. BAILEY. Yes, sir.

Senator HARRIS. Which, if utterly lacking in the requisite qualifications, would disqualify the applicant from any further examination. That would be the way it would work, I suppose?

Mr. BAILEY. If the service were divided into groups or grades, as I have suggested, there could be basic tests for each of those grades, and lists of eligibles could be prepared. For ordinary places those lists would be adequate. The Department, however, could ask for testing special qualifications, and it seems to me an advantage to be taken of the situation in this way. Instead of announcing the special examinations to the public, persons who had proved their qualifications could have a chance to take the special examinations and prove their fitness for the special places.

There is some drawback at present in one respect. Relatively so few of the places are filled by certification from the regular registers. We invite a great many persons to apply for the examinations; they fill the registers, but the places are filled by special examinations about which they may or may not know. They suppose they are eligible, but the special or technical examinations take the place of the regular registers to such an extent that the regular applicants are put to a

disadvantage. I think the system should be such that the first persons to be considered shall be those who have taken the trouble to apply and prove their qualifications for certain grades of work, and if they can prove their qualifications for the special grades they shall have first choice.

The CHAIRMAN. I wish to ask you a question with respect to transfers. Suppose a person is employed in the classified service, to what other departments in the classified service can he be transferred?

Mr. BAILEY. That depends upon an interpretation of the transfer rule. The terms of it are very general and the interpretation of it is not altogether uniform. If you ask for my personal opinion on the subject, I am willing to give it. It does not wholly accord with the practice.

The CHAIRMAN. Do I understand you to mean by your statement that the decisions of the commission are not uniform in that respect?

Mr. BAILEY. I did not mean to say that.

The CHAIRMAN. I should like to know if that is the case?

Mr. BAILEY. Do you ask me whether I think it is the case?

The CHAIRMAN. Do you know whether it is the case? I can not ask you what you think. You are under oath and you must state what you know of your own knowledge.

Mr. BAILEY. I have not been able to reconcile all of the actions of the commission under the transfer rule and see their consistency. I think, however, that that is a question for the commissioners themselves to answer.

The CHAIRMAN. We are seeking the information and we want to get it from whatever source we can, and you being employed in that department it is perfectly proper to ask you in respect to it.

Mr. BAILEY. The transfer rule limits transfers in either three or four ways—I could say four. First, it limits transfers by any age limitations which may apply.

The CHAIRMAN. Will you please read the rule if you have it there?

Mr. BAILEY. The entire rule is long.

The CHAIRMAN. You can just state the substance of the rule if it is lengthy.

Mr. BAILEY. It covers two pages, but the main features of it are in the second section. The first section provides for what I might almost call universal transfers within a department. The second section puts the limitations on transfers from one department to another. The first paragraph of it reads thus:

A person who has received absolute appointment may be transferred without examination from any department, office or branch of the service upon requisition and consent of the proper officers and the certificate of the commission.

To this there are two provisos. First:

No transfer shall be made of a person to a position within the same department or office and the same branch of the service, or to a position in another department, office, or branch of the service, if from original entrance to such position said person is barred by the age limitations prescribed therefor or by the provision regulating apportionment, or if in said position there is not required, in the judgment of the commission, the performance of the same class of work or the practice of the same mechanical trade.

There are the three limitations in that, and the fourth is in the next proviso. The room for difference of opinion as to the interpretation of the rule is in the meaning of the phrase "the performance of the same class of work." The evolution of this rule would indicate that that referred to the character of the office. For instance, the old rule pro-

vide that a man might be transferred from one custom-house to another custom-house or from one custom-house to the Customs Bureau of the Treasury Department; he could not be transferred to another bureau or to another department; that a man might be transferred from the Railway Mail Service to a post-office and from a post-office to the Railway Mail Service, or from the Railway Mail Service or a post-office to the Post-Office Department, the class of work referring to the fact that it was all postal work or customs work or internal revenue office work. Under that interpretation of this clause (and in my opinion that is what this rule was intended to cover) the Treasury Department might make free transfers within the Department. It could only make transfers outside of the Department when in some other department there were duties of a similar character to those performed within the Department. That would undoubtedly allow this, that clerical work being similar in one department to that of another, clerks could be freely transferred. Special pension examiners, on the other hand, could not be transferred, because their work is of a special character and pertains to pension work, unless they were transferred, possibly, to the Record and Pension Division, which is so closely allied to the Pension Office.

The CHAIRMAN. How does the rule of transfer apply to the Government Printing Office, as between the Government Printing Office and the other departments?

Mr. BAILEY. Under the interpretation I have given, no transfers could be made from the Government Printing Office to a department, except from mechanical trades to mechanical trades, under the phrase, "or the practice of the same mechanical trade." May I add, however, that I think, from the action of the commission in a number of cases, they must hold a different view from that which I state.

The CHAIRMAN. I have a letter from the commission, if I am not mistaken, in which they state that there can be no transfers of persons employed in the Government Printing Office as helpers and persons working in the stitching room, I believe—I do not know that that is exactly the name for it—at least they state that they can not be transferred to any other department, and I am anxious to learn why it is that you have such a rule.

Mr. BAILEY. As I understand the practice of the commission, if a stitcher were wanted in another department—for instance, in the Bureau—under the interpretation they put on this rule such a transfer would be allowable, but a transfer from the position of stitcher in the Government Printing Office to that of clerk I should say would not be allowable under what I understand to be the practice of the commission.

The CHAIRMAN. Under what rule was Mr. Albert Baker transferred from the Government Printing Office to the Treasury Department?

Mr. BAILEY. Mr. Albert Baker was private secretary, in the grade known as the clerical grade, in the Government Printing Office. Under the interpretation that the committee put upon this phrase he would be eligible to transfer to a clerical position in any one of the departments.

The CHAIRMAN. It would have to be the same kind of work that he was following in the Government Printing Office, would it not?

Mr. BAILEY. If the interpretation I have suggested in my own mind as being the interpretation were placed upon it, he would not be eligible to a transfer, the work of the Government Printing Office being considered——

The CHAIRMAN. Both the spirit and letter of that rule would indicate that he would have to be sent to similar employment, would it not?

Mr. BAILEY. So it seems to me.

The CHAIRMAN. Both in spirit and letter, as you construe that rule, you would say you must send him to work similar to the duties he was performing there. I understand he has been now transferred from the Treasury Department to the Civil Service Commission.

Mr. BAILEY. Not transferred. He is with the Civil Service Commission on detail.

The CHAIRMAN. He is on detail?

Mr. BAILEY. He is borne on the rolls of the Department still.

The CHAIRMAN. At any rate, by some kind of circumlocution he was transferred from the printing office to the Civil Service Commission?

Mr. BAILEY. From the Printing Office for temporary service.

The CHAIRMAN. How long did it take him to complete the circuit—to get around? Do you know how long it was from the time he took his leave at the Government Printing Office until he landed at the Civil Service Commission?

Mr. BAILEY. I do not know. I did not know of his transfer to the Treasury Department. It is the first time I knew about the transaction.

The CHAIRMAN. I wish you would look up the records and let the committee know how that is.

Mr. BAILEY. I will do so.

Senator CHILTON. That detail must have been made by the commission and the Secretary of the Treasury?

The CHAIRMAN. It could not have been made otherwise.

Mr. BAILEY. Yes, sir; made by him.

The CHAIRMAN. But at whose instance are such details made?

Mr. BAILEY. Two methods have been pursued to obtain details. One is to write to a department making the general statement that the commission needs more details under the provisions of the civil-service law and asking for them. The other is to accompany such a request with the statement that an individual named is known to the commission or has been recommended to the commission as a suitable person for its work.

The CHAIRMAN. In other words, the transfers are made at the instance of the Civil Service Commission.

Mr. BAILEY. They are made at the instance of the Civil Service Commission; sometimes merely a general request, sometimes a specific request for an individual. If you refer to the case in question I do not know whether it was made by special request of the commission.

The CHAIRMAN. I hope you can answer later as to whether it was a specific request of the commission. Are you acquainted with Mr. Baker?

Mr. BAILEY. I am very well acquainted with him. I knew him as private secretary to Mr. Benedict from his frequent visits to the commission.

The CHAIRMAN. Did you ever have occasion to examine the record that Mr. Baker kept while he was acting as clerk to Mr. Benedict before the office was included in the classified service?

Mr. BAILEY. No; I did not. I knew nothing of such a record until it came out in public.

The CHAIRMAN. You knew nothing about the record he kept?

Mr. BAILEY. No.

The CHAIRMAN. Do you not think that the rule should be amended so as to have a more uniform interpretation of it?

Mr. BAILEY. I think the rule should be interpreted by regulations. The principles to govern transfers are made explicit here. It has been

my feeling that a regulation ought to be adopted which would put an interpretation upon it in order that the practice of the commission might be uniform.

The CHAIRMAN. Is it not a fact that the practice has not been at all uniform, and that you have had all manner of rulings and constructions placed upon this particular rule?

Mr. BAILEY. I stated a moment ago, in answer to that, that I had not been able in my own mind fully to reconcile all the actions of the commission.

The CHAIRMAN. I understand you mean by that to say that the rulings have not been uniform. Is that it?

Mr. BAILEY. Yes, sir.

The CHAIRMAN. Do you think there are any positions now in the classified service that should be excluded?

Mr. BAILEY. I think there are several that under existing conditions might be excepted from examinations with advantage to the service.

The CHAIRMAN. Will you please enumerate them?

Mr. BAILEY. Would you be willing that in answer to that question I should cover the ground by a general statement and then specify them as I go on?

The CHAIRMAN. Yes, sir.

Mr. BAILEY. I think I could give a clearer idea of my view in that way.

The CHAIRMAN. Proceed.

Mr. BAILEY. I should like to preface what I would say in answer to that question by the statement that I have the utmost confidence in the ability of the commission under the merit system to handle any and all services under the Government. I have great admiration for the general system, and I have always believed in it thoroughly. I have not seen it fail at any point where it had a broad opportunity to be applied. I do not think that any services or positions should be removed from the operation of the civil-service law because of any failure or any inherent impossibility of handling them. But there are some conditions which have led me, as I have thought of this question, to conclude that at least for the time being there are some positions which could be made excepted places to advantage.

Before I name any of them I should like to add, what I suppose is familiar to the committee, that according to the best legal advice I am familiar with, it is not in the power of the President to remove actually from the classified service a position which has once been classified. If he has any such power, he does not derive it from what is known as the civil-service act itself. If he has such a power, it is a power conferred by section 1753 or by the Constitutional provision which gives to him the general power over all positions. The only power which he has under the civil-service act and the rules is to except from examination positions which have been classified. The reason for that opinion is that there seems to be nothing in the law which contemplates taking anything out, but all of its provisions are for bringing in more and more.

With those general statements, I am perfectly frank to state my own conclusion. I have given considerable thought to the matter, as has everyone else who is at all interested in the civil service system. There are two reasons why, I think, for the time being it would be an advantage if the engineer service were excepted from examination requirements, and my reasons for this belief are——

Senator HARRIS. I beg pardon for a moment. Do you mean the mechanical engineers?

Mr. BAILEY. What is known as the Engineer Department at large.

Senator HARRIS. That applies to the mechanical engineers, I understand.

Senator CHILTON. Also the Government engineers at work on rivers and harbors.

Senator HARRIS. That is what I wish to know—whether it includes civil as well as mechanical engineers?

Mr. BAILEY. Yes; civil engineers.

Senator HARRIS. Both?

Mr. BAILEY. I should say the whole Engineer Department at large outside of Washington, D. C. I do not think any position in Washington, D. C., ought to be made an excepted place, at least on general principles.

The CHAIRMAN. Give us the reasons why you think the exception should be made.

Mr. BAILEY. After the classification of the Engineer Department at large, when we began to become familiar with it, it was discovered that as to many places in it the employment is only temporary. It is not like the clerical places in Washington, where the same person occupies the same place year after year. It has been the practice to employ dredgers, for instance, to do the dredging at a certain stage of the work of improvement in one place, to employ civil engineers when surveying is necessary, and so at different stages of the improvement to employ different classes of persons, and either to discharge or furlough those persons when that particular work was finished.

It was also ascertained that the persons are moved frequently from one place to another. There is want of stability in it. I think that is a disadvantage, and while it exists it imposes a difficulty to the best execution of the civil-service law. I do not think that that feature alone would be enough to make it desirable to remove it from the service, and I believe it is a feature which can with advantage to the service be changed, either by a change of practice on the part of the Department or change of legislation. Of course, I can not speak as to which of those methods is the better.

There is another reason which has led me to think it would be desirable to remove this service from the classification and make it an excepted service. It grows out of the manner in which it has been organized. I have lately, within a day or two, procured a circular which the Engineer Department has issued to its subordinates, which seems to me so opposed to the civil-service rules and in violation of those rules that I think it is more of a detriment to the merit system to continue it in that form than it would be to except it.

Boards have been organized at the various places where work is located, and a central board has been organized at the Engineer Office in this city. The work of managing this department has been turned over to that central board almost bodily, and when that change was effected, Colonel MacKenzie issued a general circular, a copy of which I have here. I have read it over carefully, and I can not reconcile it with the rules governing the civil service. I can not help thinking that it is a nullification of those rules and must lead inevitably, I should say, to unpleasant results and reflections on the system.

For instance, I find that the entire list of eligibles is submitted to the appointing officer, the officer in charge. The rules require that certification shall be made of the three highest on the list. The state-

ment is, that "the selection of employees from the list of eligibles is in the hands of the officer who is responsible that such selection is made in accordance with law and regulations." The rules require that the boards which operate under the authority of the commission, the local boards, shall be responsible for certifications in accordance with the rules and regulations.

The CHAIRMAN. Certifications are not made, then, by the Civil Service Commission for this branch of the service?

Mr. BAILEY. No, sir.

The CHAIRMAN. Do they pass through the Civil Service Commission's office?

Mr. BAILEY. I should finish the previous answer by stating that they should be made by the boards organized by the commission, but the point I am making at this moment is that it seems to me, having turned it over to the Department, they have nullified the provisions of the rules in the system which they have devised for filling the places.

The CHAIRMAN. It has passed from the jurisdiction of the commission, if they have turned it over to the office to manage.

Mr. BAILEY. So it seems to me. I will read this sentence:

> If all the eligibles on any list possess the necessary qualifications for the position to be filled, one of the three highest, as graded by the local boards, will, under ordinary conditions, be selected.

The rules are mandatory on that point. This qualifies it, however, and allows them to make certain conditions not to select one of the three highest.

Take another illustration of it:

> When special work is to be performed requiring special qualification, selections may be made from the three who possess the special qualifications to the highest degree, regardless of the general standing on the list.

I do not know any authority under the rules for disregarding the general average of an applicant.

The CHAIRMAN. By what rule does the commission exercise this discretion?

Mr. BAILEY. Do you mean by what rule do they delegate the discretion?

The CHAIRMAN. Yes; exercise the discretion to the extent of turning the matter over to the Engineer Department. Are they not required under the law to see to it that the law is enforced as to this Department, so long as it remains in the classified service, as much as they are with respect to any other Department?

Mr. BAILEY. I think so.

Senator HARRIS. Do I understand you to say that this is the action of the Civil Service Commissioners? I understood you were commenting on a circular issued by the Engineer Department, which conflicts with the civil-service rules.

Mr. BAILEY. The situation seems to me to be an anomalous one. That is what I was pointing out. It is one that can not be reconciled with the rules.

The CHAIRMAN. Is it not the legitimate result of the fact that the Commissioners have turned the matter over to the Engineer Department?

Mr. BAILEY. Yes, sir.

The CHAIRMAN. Instead of keeping it under their own jurisdiction, as they have done with respect to other departments.

Mr. BAILEY. I do not know that I need pursue that further. The circular is a long one, but the two facts which I have stated, temporary

service of many of the employees and that it has drifted into this situation, have led me to believe that it would perhaps be to the advantage of the service if it were made one of those excepted from examination.

The CHAIRMAN. Do you not think that owing to the character of the work they should also be excluded from the classified service?

Mr. BAILEY. Taking a wider view of the case, I believe it would be an advantage to them to have it in. I believe there is always a tendency to increase the expense by increasing the number of positions when appointments are absolutely at the will of the head of the Department as personal or political favors. I think the whole history of the system indicates that.

The CHAIRMAN. But aside from the question of expense. I am talking about the advisability of giving the Engineer Department the discretion to employ hands at the very moment they need them in different sections of the country. Say they are working on the Mississippi River. They ought to be vested with discretion, it seems to me, to employ suitable hands without being hampered by anyone.

Mr. BAILEY. That is undoubtedly true. I believe special regulations to govern the Engineer Department at large could be made if the service were retained, and in that way given the authority of law or rules, to the advantage of the service. That is simply taking the conditions as they exist, and between two evils choosing that which, it seems to me, is the less.

The CHAIRMAN. When was this matter turned over to the Engineer Department and abandoned by the commission?

Mr. BAILEY. It is a matter of gradual growth. The boards were first organized, a circular was issued, examinations were arranged; but the service did not work smoothly, and about six months ago, perhaps not more than four months ago, this central board was organized. There was no very definite regulations adopted to govern it, but the whole list of junior engineers was sent to the board, and the work of managing the local boards was turned over to the central board.

The CHAIRMAN. Has this policy been adopted with respect to any other department in the Government service?

Mr. BAILEY. No, sir; but the commission inherited a system in the navy-yards which is a little worse than this.

The circular issued by the central service board, office of the Chief of Engineers, United States Army, referred to by Mr. Bailey, is as follows:

[Circular No. 1.]

CENTRAL CIVIL SERVICE BOARD,
OFFICE CHIEF OF ENGINEERS, UNITED STATES ARMY,
October 25, 1897.

Under the regulations established by the Civil Service Commission for the registered class of employees, local boards make up lists of eligibles and furnish copies of such lists to the engineer officer in charge of the district; that is, the entire list of eligibles is submitted by the board to the officer in charge. The selection of employees from the list of eligibles is in the hands of the officer, who is responsible that such selection is made in accordance with law and regulations.

If all the eligibles on any list possess the necessary qualifications for the position to be filled, one of the three highest, as graded by the local boards, will, under ordinary conditions, be selected; but if the position to be filled be temporary, or if conditions do not justify the selection of

an eligible at a distance from work, the selection may be made from the three highest found in the immediate locality of work upon which the eligible is to be employed.

When special work is to be performed requiring special qualifications, selection may be made from the three who possess the special qualifications to the highest degree regardless of their general standing on the list.

When no one on a list possesses the special qualifications required for any special work, a temporary appointment may be made by the officer in charge and such temporary appointment can be made permanent, provided the temporary employee passes the required examination before the local board and is certified as an eligible by the board.

The local boards are responsible for the lists they prepare, and it is their duty to investigate fully all applications, to the end that no inefficient or improper applicants are made eligible for appointment. Certificates and indorsements of unknown parties will not be accepted as complete evidence of capacity or worthiness. All applicants before being declared eligible must appear before the local board or some of its members and be personally examined. At least two members of the local boards will ordinarily be located at the headquarters of district, but the number of members of such boards is unlimited, and membership may be extended to include assistants in the field and in various parts of a district. Applications will be received, personal examination will be made, and rating prepared by any such member of board, the applications being forwarded to the board at headquarters for further consideration and final action.

The regulation regarding the dropping from the list names that have been passed over three times does not apply to the lists of eligibles prepared by local boards, but any eligible whose name has remained on the lists of local boards for one year will be dropped, and he can become eligible again only through a new application and examination.

Eligibles in any engineer district are also eligible for appointment in any other district.

When an eligible is appointed to any position, his name will be dropped from the eligible list, and, to permit this, local boards must be properly notified of such appointment. When appointed, the eligible becomes subject to the regulations for discharge or furlough without pay. If discharged, his reappointment must come through a certificate of the local board; if furloughed without pay, he may be reemployed by the officer in charge without such certification.

The civil-service act provides that there shall be a period of probation for all eligibles "before any absolute appointment or employment." Under the regulations of the Civil Service Commission absolute appointment is not made until a probationary period of six months has demonstrated capacity and conduct. All eligibles selected from the register lists of local boards by engineer officers in charge of districts will be considered probationers, and if conduct and capacity are not satisfactory such probationer may be discharged at any time by the officer in charge.

Probationers from registered lists of local boards become, by a satisfactory service of six months (on duty or on furlough without pay), full classified employees. The discharge for cause of such classified employees, or of those appointed from eligible registers of the Civil Service Commission (educational class), will be subject to provisions of the President's order and approval of the Chief of Engineers. When, in opinion of officer in charge, discharge of an employee of these classes

is proper, such employee can be suspended until final action in the case is taken.

When discharge of or decrease of force is made necessary by suspension of work, lack of funds, or other cause, any employee may be discharged or furloughed without pay by the officer in charge.

In the case of employees secured from registration lists of local boards, it is so comparatively easy to renew eligibility by a reappearance before local boards that furloughs without pay which extend eligibility over a long period of time should not be granted unless there is a strong probability of reemployment after a brief suspension on same work or in similar positions in other districts.

A. MACKENZIE,
Lieutenant-Colonel, Corps of Engineers, Chairman.

The CHAIRMAN. I should like to have you state the system which you say the Civil Service Commission inherited. Preliminarily, I will ask you when were the navy-yards included in the classified service?

Mr. BAILEY. May 6.

Senator CHILTON. 1897?

Mr. BAILEY. May 6, 1896?

Senator CHILTON. Under the same general order?

Mr. BAILEY. Under the same general order.

The CHAIRMAN I will ask you whether it is not a fact that fifteen examiners of steel were appointed in the Navy Department in December, 1896, without any examination whatever?

Mr. BAILEY. Yes, sir.

The CHAIRMAN. That was December, following the classification. Under what rules were those men appointed, and under what rule are they retained there?

Mr. BAILEY. There is no rule that I know of.

The CHAIRMAN. It is an absolute violation of the law?

Mr. BAILEY. I so regard it.

The CHAIRMAN. Have any steps been taken by the commission to investigate the matter?

Mr. BAILEY. Not to my knowledge.

Senator HARRIS. What is the system you speak of which you say the commission inherited?

Mr. BAILEY. In the navy-yards?

Senator HARRIS. In the navy-yards.

Mr. BAILEY. Regulations to govern appointments were already in vogue when the navy-yards were classified. The commission, by authority of the President, adopted those regulations bodily. Under those regulations labor-employment boards existed in the various navy-yards. They still exist, not under the control of the commission, and carry on this work under those regulations in their own way. The commission has no knowledge of the members of the boards, no supervision of them, and no reports of their operation.

Senator HARRIS. Then, practically, the navy-yards have not been brought under the supervision or enforcement of the rules by the commission at all?

Mr. BAILEY. The anomalous situation is that they seem to be technically classified, while practically they are not classified, but are independent.

Senator HARRIS. I say practically they are not?

The CHAIRMAN. If you examine the classifications you will be led to the conclusion that they are classified. but when you make a practical test you find that they are not classified.

Mr. BAILEY. They are treated as classified to a certain extent, and are so recognized by the commission, in this way: Transfers have been made from navy-yards to the classified service.

The CHAIRMAN. How can they do that if the navy-yards are not regularly classified?

Mr. BAILEY. It is done on the theory that they are regularly classified.

The CHAIRMAN. "Now you see it, and now you do not see it." That will not do. I understand you to say that practically the navy-yards are not classified, and at the same time persons have been transferred from them to departments where there is a classification.

Mr. BAILEY. I hold that they are classified. I can not see how, under the terms of the rules of May 6, 1896, they can be regarded as unclassified. What I have tried to say is that the commission has not assumed such a direct supervision of the work of examining and certifying as will guarantee its legality and consistency.

The CHAIRMAN. Then, according to your view of the case, the transfers were proper?

Mr. BAILEY. Yes, sir; I should say they were proper. That does not refer to the individual cases, because some other question might arise, but a transfer may be made from a navy-yard to a classified position in the departmental service.

The CHAIRMAN. It is possible to have the men appointed in December without any examination kept there indefinitely?

Mr. BAILEY. The appointments to which you refer are not in the navy-yard, I think.

The CHAIRMAN. I said Navy Department, in speaking of the steel inspectors.

Mr. BAILEY. The Navy Department is fully classified, and is under the same careful supervision as the other departments.

The CHAIRMAN. It is in the Navy Department that the inspectors were appointed?

Mr. BAILEY. The appointment of an inspector or any other person to the classified service would be illegal unless the commission had held an examination and had certified.

Senator HARRIS. You are aware that by order of the board of July 29, 1896, the regulations governing the employment of labor at navy-yards having been shown to be highly useful, they are practically adopted by the commission under the authority of the civil-service act.

Mr. BAILEY. Yes, sir; what I was saying was in answer to the question whether there was any other service which had been turned over to other parties than the commission itself to run, and I stated that a similar situation existed in the navy-yards.

Senator HARRIS. There was an order of the President under date of November 2, 1896, as follows:

> It is hereby ordered that no modification of existing regulations shall be made without the approval of the Civil Service Commission.

Mr. BAILEY. That, I understand, puts it in the hands of the commission the same as any other service.

Senator HARRIS. The order says:

> Having been adopted by the Civil Service Commission as a regulation of the commission, * * * it is hereby ordered that no modification of the existing regulation shall be made without the approval of the Civil Service Commission.

Mr. BAILEY. To understand what that phrase must mean, you have to take into consideration the fact that those regulations were adopted by the Department. The Department might claim the right to change

them, but the President distinctly deprives them of that right and says that hereafter it shall be the work of the commission.

Senator HARRIS. "Having been adopted by the Civil Service Commission." That is the reason for continuing it under its authority.

Mr. BAILEY. Yes; under their supervision. I believe the navy-yards are by right just as much under the supervision of the commission as any other classified service, but the commission has not assumed this authority over them.

The CHAIRMAN. In other words, is there anything under the rules which permits the Civil Service Commission to make modifications in one department that are not made in other departments?

Mr. BAILEY. No.

The CHAIRMAN. They have the power only to include a department in or exclude it from the classified service. They can not stop halfway.

Mr. BAILEY. The departments?

The CHAIRMAN. No; the Civil Service Commission.

Senator CHILTON. The President makes the inclusion, I understand.

Mr. BAILEY. The President directs the heads of departments to classify. They, in execution of his order, issue a classification. That brings them under the service. Then neither the President nor heads of departments have the power to take them out again.

Senator HARRIS. I ask that the extract from the minutes of the Civil Service Commission and the order of Mr. Cleveland be included in our record.

The CHAIRMAN. That will be done.

The paper referred to is as follows:

NAVY-YARD SERVICE—ADOPTION OF NAVY-YARD REGULATIONS.

RESOLUTION OF THE COMMISSION.

Whereas the enforcement by the Secretary of the Navy of regulations governing the employment of labor at navy-yards having been shown to be highly useful, and it being important that they should be given stability independent of changes of Administration, and it appearing that the examinations and other tests of fitness provided by these regulations are based on the principles that personal fitness should prevail over recommendation, and that political influence should be disregarded, it is

Ordered, That these regulations be, and they are hereby, adopted as the regulations of this commission under the authority conferred by clause 1 of Rule I.—*Minutes of July 29, 1896, clause 4.*

EXECUTIVE ORDER.

The regulations of the Navy Department governing the employment of labor at navy-yards having been adopted by the Civil Service Commission as a regulation of the commission, July 29, 1896, under the authority conferred by clause 1, Rule I, of the Revised Civil Service Rules of May 6, 1896, it is hereby ordered that no modification of the existing regulations shall be made without the approval of the Civil Service Commission.

GROVER CLEVELAND.

EXECUTIVE MANSION,
November 2, 1896.

The CHAIRMAN. Proceed with your statement, giving places, which, in your opinion, should be excepted.

Mr. BAILEY. I have thought that the examining surgeons of the Pension Office might be put in the excepted list. Those are boards of

examining surgeons located, as you are aware, at different places in the country to examine applicants for pensions. The positions are filled by local physicians. Under the rules, members of boards whose income is $300 a year or less are excluded from the classification. This takes, I believe, something like 75 per cent of all the boards, and the other 25 per cent, under the terms of the rules of May 6, are brought in. It is always a disadvantage to have a service partly classified and partly unclassified, and in this case there is a special reason why there is a disadvantage in it. The income of any board may one year be less than $300, and then they are out of the classification. Another year it may be more than $300, and they are then in.

Furthermore, there is nothing in the law, I understand, to prevent the Commissioner of Pensions from organizing several boards in the same place, and thus dividing the income. When he organizes a new board, there is no one who can tell whether it should be classified or unclassified, because no one can tell whether the income will be more than $300 or less than $300.

Senator HARRIS. That has actually been done?

Mr. BAILEY. Yes. For these reasons and others, which I presume it is not necessary to mention, I have thought they might all be excluded from the classification.

The CHAIRMAN. Is there anything else?

Mr. BAILEY. Yes. There is a condition existing in reference to deputy marshals which has suggested to me that they might be excluded. Up to this time no examinations for them have been held. They are positions scattered over the country, with certain features attaching to them that make it difficult, perhaps, under existing conditions to meet the demands of the service.

I think it is always better to exclude than to include and then not control, not have a system that is adequate to it; and it has occurred to me that they might be excepted.

Senator HARRIS. How about internal-revenue officers, collectors, deputies, etc.?

Mr. BAILEY. I believe eventually the internal-revenue service will be bettered by classification, but there is a condition which exists now in reference to deputy collectors in that service which leads me to think it might be desirable to except them from examination.

That condition is due to the fact that some of them are made noncompetitive places. There is very little authority in the law for noncompetitive examinations, except when it is found impossible to obtain competitors. That is, the general principle of a noncompetitive examination is that there is a failure to obtain competitors. So many of these places are made noncompetitive, while others are retained as competitive places, that it injects an element of uncertainty into the service. It is a matter of arbitrary decision on the part of the Department which place shall be treated as a noncompetitive place and which place shall be treated as competitive. I do not mean to say that the Department is not governed by any rule in regard to it, but in naming the district which is entitled to a noncompetitive place, the Department selects the particular person. It leaves a question of doubt always as to which is to be treated as noncompetitive and which is not. Under all the conditions (I have been reluctant to reach such a conclusion, but I have done so in my own mind; it goes no further than that), I think it might be better that they should be excluded.

I am ready to name one more service. There are five of these services of which I have thought in the same connection. The custodian service has in it outside of Washington very few employees other than

janitors, firemen, engineers, etc. This service is found in all places where there are Federal buildings to be cared for. It has become at last the policy of the Department to make temporary appointments to those places, and require the commission subsequently to hold special examinations. The number of changes in the service is very great. I suppose there have been more special examinations for the custodian service than perhaps for all other services together. That is merely a random guess, however, with a view to saying that the number is very large.

The tax upon the commission is very considerable. It is always a disadvantage to have to hold a special examination. It causes a great deal more work, and is the cause of a great deal of delay and frequently of annoyance. Personally, I would not object to seeing the custodian service excepted for the present.

The CHAIRMAN. What about assistant district attorneys? Do you think they ought to be classified?

Mr. BAILEY. I think the rules cover all the exceptions necessary in regard to them. The exception now is the assistant district attorneys practicing before the courts. They are excepted from this examination. I think that practically covers——

The CHAIRMAN. That does not apply, according to the construction of the commission, to the assistant district attorneys who practice before the courts in the different States. The commission contend that they have classified them, but the commission have prepared no eligible list, and the assistant district attorneys can not be removed for political cause.

Mr. BAILEY. When it comes to removals for political reasons, there is no doubt in my mind that the law prohibits that in the classified as well as the unclassified places.

Mr. PROCTER. The commission contend that they are excepted under the rule, but classified, and that being classified all of the other provisions of the rule apply; and the provisions of the rule as to removals for political reasons apply to people who are classified, but excepted, as much as to people who are excepted from examination.

The CHAIRMAN. In other words, they are in the classified service?

Mr. PROCTER. Yes.

The CHAIRMAN. With this condition, that they are classified and at the same time they are not required to stand an examination.

Senator HARRIS. It is simply a general regulation that there is a qualification which exempts them—practicing before the courts.

Mr. CHILTON. Suppose one were to die, how would his successor be appointed?

Mr. PROCTER. Without examination.

Senator CHILTON. Without regard to the rules?

Mr. PROCTER. Yes, sir; or if he is removed for any reason other than political.

The CHAIRMAN. Under what rule do you get authority for that kind of a classification?

Mr. PROCTER. The original act of Congress classified everything in certain offices and said there shall be certain classifications, and it gave eight fundamental principles. For instance, examinations shall be competitive, etc., and any necessary exceptions from the fundamental provisions of the rule shall be set forth; but under that provision certain exceptions from the examination have been made by order of the President, and those people are excepted, I believe, from examination, but not from the other provisions of the rule.

The CHAIRMAN. I have always understood that the fundamental principle of the civil-service law was to obtain competent persons by an examination. Here they are given the benefits of the law, and there is no effort made to ascertain whether or not they are competent.

Senator HARRIS. Does not the requirement that they shall be practicing lawyers before the court constitute a qualification necessary in lieu of an examination?

The CHAIRMAN. That is in other cases.

Mr. PROCTER. They are excepted from examination——

Senator HARRIS. Does not that apply in this instance?

Mr. PROCTER. That provision excepts them. If they are practicing attorneys before the courts, they are excepted from examination.

The CHAIRMAN. That is used as designating the ones who are excepted?

Senator HARRIS. That describes the qualification.

Mr. PROCTER. Yes. It does not except a law clerk who does not practice before the courts.

The CHAIRMAN. I understand it takes in the class of clerks who go and appear in the different departments here, practice before the courts—the Court of Claims and other courts. Do you not think that assistant district attorneys should be excluded from the classified service as the matter now stands; that they should either be excluded from the service or put on an equal footing with other parties in the classified service?

Mr. BAILEY. An excepted place is practically an excluded place. There are no benefits that accrue to a man in an excepted place which do not accrue to one in a nonexcepted place, so far as I know.

The law against political assessment, coercion, etc., applies, if it is legitimately interpreted, just as much to the unclassified as to the classified service. I do not know of any advantage which a man in an excepted place has over one in an unclassified place. They are in the excepted list. Therefore they may be treated as unclassified.

The CHAIRMAN. As I understand, assistant district attorneys, as a general rule, are the most important officers of the Government in that branch of the service. A man to be assistant district attorney should be a good lawyer in every sense of the word, because in my State and the States where I have practiced in the Federal courts it is the custom to turn over the most important business of the Government to the assistant district attorneys.

Senator HARRIS. Is not the tenure of office more fixed in the classified service than in the unclassified?

Mr. BAILEY. It is, but I do not think that remark could be applied to an excepted place. They are spoken of throughout the country by appointing officers as political places. You go to a postmaster and he speaks of the excepted places in the office as personal appointments, and there is nothing in the law or the rules to prevent it, except the general law and the general rule that no person shall be removed from the service for political reasons. If it could be proved that a man in an unclassified place was removed for political reasons, I believe the law with its penalties would apply just as much as if he was in the classified service.

The CHAIRMAN. Mr. Bailey, we will continue your examination at the next meeting of the committee.

The subcommittee adjourned until Friday, January 21, 1898, at 10 o'clock a. m.

FRIDAY, *January 21, 1898.*

The subcommittee met at 10 o'clock a. m.

Present: Senators Pritchard (chairman) and Chilton; also Hon. John R. Procter, president of the Civil Service Commission; Mr. E. D. Bailey, chief clerk, and Mr. G. R. Wales of the commission; Hon. Henry M. Baker, acting president of the National Anti-Civil Service League; Lieut. Col. A. Mackenzie, Corps of Engineers, and Maj. Charles W. Raymond, Corps of Engineers.

DEPARTMENT OF THE INTERIOR.

INDIAN SCHOOL SERVICE.

TESTIMONY OF SAMUEL M. CART.

SAMUEL M. CART, being duly sworn, testified as follows:

The CHAIRMAN. Where do you reside?

Mr. CART. At Sheridan, Iowa.

The CHAIRMAN. What is your present occupation?

Mr. CART. I am superintendent of city schools.

The CHAIRMAN. How long have you been employed as superintendent of city schools?

Mr. CART. Since the summer of 1894.

The CHAIRMAN. I understand through Senator Allison that you desire to make a statement to the committee with respect to the operation of the civil-service law. We shall be glad to hear any statement you may have to make in relation thereto.

Mr. CART. I was connected with the Government service as superintendent of the Government Indian school at Santa Fé, N. Mex., from April, 1890, until October, 1893. During the time I was connected with the school the position which I held was placed in the classified service. That was in 1892. During the early summer of 1893 my resignation was requested, without any reason given for it except for political reasons.

The CHAIRMAN. By whom was your resignation requested?

Mr. CART. By James A. Cooper, or J. A. Cooper, a special agent in the service.

The CHAIRMAN. A special agent in what branch of the service?

Mr. CART. In the Indian service. Early in June, 1893, I sent in my resignation, to take effect the 31st of July. I was not relieved at that time. During August an order was sent to me to turn over the property to a supervisor in the service, a Mr. Jones, who would report and relieve me of the property, with a view to converting the school into an Indian normal school. Before I left the service—that is, before I turned over the property—I asked to be transferred to another school, which, as I understood at the time, I had a right to do under the civil-service rules. I asked to be transferred to the school at Genoa, Nebr. I have a copy of my request in my pocket and a copy of the telegram from the Commissioner of Indian Affairs stating that I was not transferable.

The CHAIRMAN. How long had you been out of the service at that date?

Mr. CART. I was not out in one sense. My resignation had been accepted, but I was still in charge of the property of the school.

The CHAIRMAN. I refer to the date of the acceptance of your resignation.

Mr. CART. My resignation was accepted in June.

The CHAIRMAN. This was when?

Mr. CART. It was in September that I asked for a transfer.

The CHAIRMAN. The same year?

Mr. CART. Yes, sir; it was the same year, in 1893, that I asked to be transferred to the Genoa school.

The CHAIRMAN. Did you receive a written communication from the Commissioner as to the reason why you were not transferable?

Mr. CART. No, sir; that telegram is the only information I received.

The CHAIRMAN. Mr. Cart's request and the telegram will be incorporated in the record.

The matter referred to is as follows:

DEPARTMENT OF THE INTERIOR,
INDIAN SCHOOL SERVICE,
OFFICE OF SUPERINTENDENT,
Fort Lewis, Colo., September 14, 1893.

The Hon. COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

DEAR SIR: I have just been informed that the Genoa (Nebraska) school is vacant. If such is the case, I desire to be transferred to that school as superintendent. Hoping that you may be able to grant my request, I am,

Very respectfully,

S. M. CART,
Superintendent Santa Fe School.

[Telegram.]

WASHINGTON, D. C.,
September 15, 1893.

To CART, *Superintendent, Santa Fe, N. Mex.:*

You are not transferable.

D. M. BROWNING, *Commissioner.*

The CHAIRMAN. You can proceed with any other statement you may have to make.

Mr. CART. There were no charges preferred against me in any way by any official of the Indian Office or connected with the Indian Department. Some time after I left the service, after I came away from Santa Fe, the order was sent, I have been informed, that the school should be changed back to the old régime as an Indian training school. In fact, it was not opened as an Indian normal school. The man who accepted the property as supervisor—that is, as a special agent in one sense—was afterwards placed in charge as superintendent. In the report for the year ending June 30, 1894, he states that he entered upon the duties as superintendent in July, 1894, which would be the beginning of the fiscal year ending June 30, 1895. And that man did not take the civil-service examination, to the best of my knowledge.

The CHAIRMAN. Was he in the classified service at that time?

Mr. CART. No, sir; his position was not in the classified service. I am informed since that the position of supervisor was placed in the classified service in 1896, but at that time his position was not in the classified service.

The CHAIRMAN. The date when he took charge was in 1894?

Mr. CART. Yes, sir.

The CHAIRMAN. Did you make any request of the Commissioner as to charges preferred against you, if there were any?

Mr. CART. I had no knowledge of any charges being preferred, and therefore made no request in regard to the matter. Last spring I entered into communication with the present superintendent of Indian Schools and asked to be reinstated in the service. He informed me that he had looked through the matters connected with my separation from the service, and stated that there was nothing that rendered it undesirable to reinstate me, but he could not see his way clear to do so under the civil-service rules. I have a letter in regard to that matter from Dr. Hailman [producing letter].

The CHAIRMAN (examining the letter). I see he says here that you resigned "for political reasons alone." That seems to be a quotation from a letter which you had written to the Department. Did you state in your resignation that you resigned for political reasons?

Mr. CART. Yes, sir; that is what I was given to understand by the special agent, Mr. Cooper, that my place was wanted for a member of the opposite political party.

The CHAIRMAN. Did you state in your letter to the superintendent that you had been requested to resign on account of political reasons, or that you were prompted by political reasons to make the resignation? Which way did you put it?

Mr. CART. I do not remember just how I worded that letter to the superintendent. I have not a copy of the letter with me.

The CHAIRMAN. This quotation, with nothing else appearing, seems to indicate that your letter was to the effect that you had resigned for political reasons alone.

Mr. CART. My resignation was requested for political reasons.

The CHAIRMAN. That was the way of it?

Mr. CART. Yes, sir; that was the way of it. Those are the facts in the case.

The letter referred to is as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF SUPERINTENDENT OF INDIAN SCHOOLS,
Washington, D. C., June 15, 1897.

S. M. CART,
Chariton, Iowa.

SIR: Your application for reinstatement in the Indian service has been forwarded to me.

I have looked through the papers relating to your separation from the service and find nothing which would render it undesirable to reinstate you.

On the other hand, it does not appear from the papers that you resigned "for political reasons alone." Again, I do not see my way clear as to your reinstatement under civil-service rules, unless for some reason you are exempt from the limitation clause requiring that reinstatement be made within one year from the date of separation from the service.

This office has no information as yet as to the probable vacancy at Chilocco.

Should there be any grounds for rendering you available for reinstatement without reexamination I shall be pleased to have you inform me of the same.

Respectfully,

W. N. HAILMAN,
Superintendent Indian Schools.

The CHAIRMAN. As I understand you, it was proposed at the time you resigned to convert the school into a normal school?

Mr. CART. That order came after my resignation was in. My resignation was requested early in June. The order came to convert it into an Indian normal school in August, while I was still in charge of the property. I received directions from the Indian Office that the school would be converted into an Indian normal school.

The CHAIRMAN. It was not converted into a normal school?

Mr. CART. No, sir; not to the best of my knowledge.

The CHAIRMAN. Were any reasons assigned why it was not converted into a normal school?

Mr. CART. Not that I know of.

The CHAIRMAN. Is there anything else that you desire to state in regard to this matter?

Mr. CART. Nothing bearing directly upon the case. I have evidence that others were reinstated in the service.

The CHAIRMAN. You may state anything that you know of your own knowledge with regard to the matter.

Mr. CART. I can state that the man who was in charge of the school at Keams Canyon resigned of his own free will early in 1893, and was reinstated in the service afterwards. That is, I have that in a letter from him.

The CHAIRMAN. Under the rules of evidence that would not be competent unless you would know it of your own knowledge. You can only testify as to facts that come within your own knowledge. You are a witness under oath and can not give hearsay testimony.

Mr. CART. Yes, sir.

The CHAIRMAN. Is there anything else that you wish to state?

Mr. CART. Nothing else that would be competent, I suppose. I have knowledge of other places that were made vacant in the same way.

The CHAIRMAN. You can give the names of those places and the superintendents, and we can look into the matter.

Mr. CART. The superintendent of the Albuquerque school, W. B. Creager; the superintendent of the school at Phœnix, Mr. Rich—I do not know his first name; the superintendent of the school at Fort Lewis, Mr. Lewis Morgan; the superintendent of the school at Genoa, Nebr., Mr. Backus; the superintendent of the school at Chilocco, Benjamin Cappock; and, I am also informed, the superintendent of the school at Mount Pleasant, Mich. I do not know the gentleman's name.

The CHAIRMAN. What is your politics?

Mr. CART. I am a Republican.

The CHAIRMAN. Do you know anything as to the politics of the other persons who have been reinstated?

Mr. CART. Mr. Collins, who was reinstated, is a Republican.

The CHAIRMAN. Do you know anything as to the politics of these other gentlemen?

Mr. CART. Mr. Rich, Mr. Creager, Mr. Morgan, and Mr. Backus are Republicans. I do not know the politics of the other two gentlemen.

The CHAIRMAN. Mr. Procter, do you desire to ask any questions?

Mr. PROCTER. No. sir.

The CHAIRMAN. Mr. Baker, do you desire to ask any questions?

Mr. BAKER. No, sir.

The CHAIRMAN. Have you concluded your statement?

Mr. CART. That is all.

WAR DEPARTMENT.

ENGINEERING OPERATIONS.

TESTIMONY OF CHARLES W. RAYMOND.

CHARLES W. RAYMOND, being duly sworn, testified as follows:

The CHAIRMAN. Where do you reside?

Mr. RAYMOND. I am on duty at Philadelphia, Pa., and I live there for the time being.

The CHAIRMAN. What is your present occupation?

Mr. RAYMOND. I am a major in the Corps of Engineers, United States Army.

The CHAIRMAN. You have been summoned at the instance of the Civil Service Commission. The committee will be glad to hear any statement you may have to make with respect to the operation of the civil-service law in your particular branch. I presume it is on that that you desire to be heard.

Mr. PROCTER. May I ask Major Raymond a question?

The CHAIRMAN. Certainly; you may ask him any question you desire.

Mr. PROCTER. The commission had you summoned mainly because you were the nearest to Washington and we did not want to bring engineers from a distance. I know nothing about your views in regard to this matter, never having had the pleasure of meeting you; but we would be very glad if you would state what has been the result of the application of the civil-service law to the force under your charge.

Mr. RAYMOND. The district of which I am in charge has done a great deal of work within the past eight years. A very large sum of money, probably averaging at least $2,000,000 a year, has been expended in that district. We have employed a force which is pretty large considering that most of our work is done by contract. I think we have had on an average something over one hundred employees in my office who came under the civil-service rules, and we have done a very great variety of work. We have had a very extensive and rapid fortification work there, and river improvements, harbor improvements, breakwater construction, surveys—almost everything that comes into an engineer's district.

When the law was first passed and regulations were prepared to carry it out, I had great doubts whether it could be made to work in our department of the service. My experience of considerably over thirty years in the service made me feel that the method of holding an officer absolutely responsible for everything and giving him absolute power for all of his employees, holding him strictly responsible that they should be proper persons, was the only way that could be made to work in our service. So far as I know we never had had any trouble from political pressure in our service at all. I never had had any trouble; and it did not seem to me possible to select by any system of examinations the class of employees that we generally wanted. However, the law was passed and the regulations were issued under the law, and of course it was the duty of every officer of the Government to try to carry out the law and the regulations faithfully and heartily as well as he could, and that was the end of the matter as far as I was concerned.

Well, I find now, so far as the experience of my district is concerned, no difficulty whatever in the operation of the civil service regulations. I can say without hesitation that so far as my personal convenience, the

ease of carrying on my work is concerned, I would rather have the present system than the method we had before of leaving everything in my own hands. Before the civil-service regulations were adopted, I had something of the same sort in my office. I had to have something of the same sort. That is to say, men would come there who were applying for a particular position—such as overseer, inspector, subinspector, and surveyor. Each man would put down his name upon a list, and give his recommendations and state where he was educated and what his experience had been; and when we had a vacancy we went to work and went over all those applications and tried to pick out the best man. So, I had a sort of little committee of my own that used to do that kind of work. Now, since those regulations have been adopted, it has been done for me.

I do not feel as if the system had been thoroughly tested in my district, because we started with a very large number of old employees who were placed upon the classified list, and we have not had to call for many employees in accordance with the new rules. The old staff of the office has very largely satisfied the needs of the service. But so far as we have had to use it, it has worked very satisfactorily. I think we all feel in Philadelphia that we would be very sorry to have to go back to the old method.

I should like to say one thing in connection with this matter. In no engineer's office that I have had anything to do with has the trouble ever been to resist political pressure. There never has been any trouble with the representatives of the political parties. Members of Congress would sometimes recommend persons for employment; but if there were reasons why they could not be employed or if they were not the kind of men who were wanted I never had any difficulty in explaining it. But the great trouble in that method was the social pressure. Among the citizens of a great city like Philadelphia gentlemen will come in almost every day. Some poor widow has a son who can not catch on to any other work, and they do not see why the Government should not take him. They are constantly coming, and it constantly has to be explained that the Government service can not be used as a charitable institution in that way. Now the answer is simply: "He must go before the civil-service board. We do not appoint anybody any more." The pressure from which we have been relieved has been that social pressure, which used to be very great indeed, rather than any political pressure.

Mr. PROCTER. May I ask you whether you do not feel that you now have absolute control of your force, and can dismiss any person who is not qualified for the work with as great freedom, if not greater, than you had before?

Mr. RAYMOND. I will say in answer to that that I understood the recent orders were that no person could be dismissed without written charges preferred against him. I have had no case come up of that kind. I have had no case since those orders were issued where I have had to discharge a man.

The CHAIRMAN. However, there is a rule of that kind, is there not?

Mr. RAYMOND. I understand there is a rule of that kind. I would say that I have my doubts whether that would work very well in our service, because sometimes you want to dismiss a man when you can not very well put the charges in words. I think in the case of a man who is responsible for the work, who has to sign the checks and is held responsible by the Treasury Department for every cent of expense, and

by the Engineer Department for every stroke of work that is done, and who can not turn around and say, "Well, that was my incompetent assistant," the mere fact that the man under his employment does not suit him and is not a jewel, ought to be sufficient for him to be able to get rid of him without any explanation whatever. If the service existed for the sake alone of those who were employed, that would be a hardship; but the main reason for the existence of the service is to have the public work done efficiently and economically, and it is not a matter, in my mind, of very great consequence one way or the other whether a man goes out justly or unjustly. The man who is at the head of the work and is responsible for it, and who is held strictly responsible for it, ought to have a good deal of power as far as that is concerned. But, as I said before, I have not had any case of that sort.

The CHAIRMAN. How do you select the persons employed in the Engineer Department? Do you take the three highest?

Mr. RAYMOND. They are certified. That is, there is a local board which certifies the employees in certain lower grades, and then for higher grades we have candidates certified to us from the central board in Washington. I think they certify the three highest. Do they not, Colonel Mackenzie.

Mr. MACKENZIE. Unless there be some special qualifications desired.

Mr. RAYMOND. Yes; sometimes there is a special qualification desired. I only take those they send me. I do not know how they are certified.

Mr. PROCTER. They certify the three highest having the special qualification?

Mr. RAYMOND. Yes; I mean that, of course. That is what I mean by the three highest, the three men who are best for that service, whatever it may be. I wish to say that I never have had the slightest difficulty to get anything reasonable that the service ought to have under these rules. I have never had the slightest difficulty to get anything that I ought to have. I have always found that the Civil Service Commission would interpret the rules so that the Government work could be done by proper persons, only I have not had the power to select them myself, for which I am very glad.

The CHAIRMAN. But that has been left to you to a great extent? Whenever you desired a certain class of workmen you could get them without any difficulty?

Mr. RAYMOND. I always could get them without any difficulty.

The CHAIRMAN. In many instances you had to ignore the rule which required the three highest to be certified, in order to get a certain class of men?

Mr. RAYMOND. I never had anything to do with examining those, so I never have inquired to see how they were examined. I took whoever was sent to me. It was nothing to me. There were just so many names. That was the part of somebody else's work, which I was very glad to get rid of.

The CHAIRMAN. Do you not think that it would be beneficial to your department if the rule which now exists should be modified so as to enable you to discharge a man when you desired to do so, without being required to make charges and prove them?

Mr. RAYMOND. I do not think that my opinion on that question is of much value, for the reason that my field of view is very limited. It is limited to my own district and my own work; but, as far as I am concerned, I think so.

The CHAIRMAN. I am asking you in respect to that particular work.

Mr. RAYMOND. In respect to that particular work, I think the mere fact that a man does not satisfy me ought to be sufficient for me to say "I will dispense with your service." I think the discipline of the office is better when I have that power.

Mr. PROCTER. Do you not realize, Major, that you are the final judge, and that if you make a wrong statement to a man that his work is not satisfactory, and pass upon it, that that settles the matter?

Mr. RAYMOND. If that is so, that is all I should want. But I have never had a case in practice. So I am theorizing on the matter any way.

Mr. PROCTER. I believe that is the construction of the rule from your decision there is no appeal.

Mr. RAYMOND. If that is the construction of the rule that would be perfectly satisfactory to me, but I have never had a case since the rule was adopted where I have had to discharge a man.

The CHAIRMAN. Such a construction as that would practically invalidate the rule. It would be valueless and meaningless.

Mr. RAYMOND. It seems to me so. I suppose the rule was adopted for the protection of employees against unjust removal. The point I make is that they ought not to be protected from unjust removal; that it is a matter of very little consequence whether they are unjustly removed or not as long as the service is properly carried on; that the service does not exist for them, but it exists for another purpose; provided always that they are not removed for the purpose of making way for somebody else or in such a way as to injure their personal reputation. If they are simply laid off because they are not satisfactory, I think that ought to be possible.

CIVIL SERVICE COMMISSION.

TESTIMONY OF E. D. BAILEY, CHIEF CLERK—Continued.

Mr. BAILEY. Mr. Chairman, in response to your request for a statement of the facts in reference to the detail of Mr. Albert Baker to the examining force of the commission, I would say that the record on his case shows that he was a clerk in the Government Printing Office, salary $2,003.20; originally appointed April 22, 1887; classified June 13, 1895; April 7, 1897, reduced to $5 a day; resigned July 28, 1897, and transferred to Coast and Geodetic Survey, Treasury Department; entered upon duties of last position August 24, 1897, salary $1,000; detailed to Civil Service Commission August 25, 1897. The resignation and certificate for transfer bear the same date.

The records of the commission do not disclose any correspondence in reference to Mr. Baker's detail from the Treasury Department, and I am unable to say of my personal knowledge upon whose request or suggestion the detail was made. It was made at a time when the commission had a standing urgent request before the Treasury Department for additional details, and it was made in response to this general request, but whether upon any individual's suggestion or not I can not say.

You asked me to ascertain the ratio of the classified service to the list of eligibles for each year since the commission was organized. I have prepared a statement as follows:

Statement showing the approximate number of positions in the classified service for each year since the passage of the civil-service act, the number of eligibles for each corresponding year, and the ratio of the eligibles to the classified positions.

Fiscal year ending—	Number of eligibles.	Number classified.	Per cent.
January 15, 1884	2,044	13,[illegible]24	14
January 15, 1885	4,141	15,573	26
January 15, 1886	5,034	16,698	30
June 30, 1887	a 10,746	17,823	60
June 30, 1888	6,868	20,836	32
June 30, 1889	11,978	27,331	43
June 30, 1890	13,947	29,058	48
June 30, 1891	12,786	31,411	40
June 30, 1892	12,160	33,278	36
June 30, 1893	14,008	42,929	32
June 30, 1894	22,131	43,532	50
June 30, 1895	19,811	53,288	37
June 30, 1896	20,714	86,526	23
June 30, 1897	b 24,163	87,108	27

a The showing for June 30, 1887, includes eligibles for eighteen months, and hence the ratio is excessive.

b The eligibles for 1897 are for the period preceding June 30, many examinations not having been marked, and hence the ratio is small.

Senator CHILTON. You state the proportion, the number appearing on your list for employment in the public service in comparison with the whole number employed in the public service?

Mr. BAILEY. Yes, sir.

The CHAIRMAN. You also state the total number each year?

Mr. BAILEY. Yes, sir. I give the figures on which the comparison is based. I do not think the table should be regarded as absolutely accurate. It can be approximately true, because the number of persons who pass examinations and the number of persons in the classified service are not sufficiently absolutely known at any one period to make the comparison absolutely accurate. It is approximately correct.

The CHAIRMAN. Is it not a fact that you keep a record of those at the Civil Service Commission?

Mr. BAILEY. Yes, sir; the record is kept, but it is not kept in such a way as to make an absolute comparison possible. I compiled this table from the statement of the number of persons who pass the examinations during a year and the total number of positions in the classified service during the same year. But some of the persons who passed the examinations the first year went on late in the year and would be eligible during the following year. So each year both of these elements lapped a little into the other years, rendering it difficult to make an absolute statement. I think, however, it is approximately correct.

I have prepared a statement in response to your request to make any suggestions which I might desire for the improvement of the present civil-service examination system. I commenced an offhand outline of my suggestions, but I did not complete it. I now request permission to present a résumé of what I have previously said, and to add some further suggestions.

The CHAIRMAN. Very well, proceed.

Mr. BAILEY. I have already stated that the present classification of the service is by salaries, and that there should now be made a classification according to the duties and character of work of the various positions in the public service. I have suggested that the service should probably be divided into six grades or groups, the grouping being based on similarity of requirements. The first or lowest grade would be mechanical trades and occupations for which little or no educational test would be required, but in which skill and experience

would be chief elements. The second or next higher grade would include subordinate positions, such as watchman, messenger, elevator conductor, skilled laborer, and other positions requiring a little education.

The third or next higher grade would include copyists, railway mail clerks, post-office clerks, and other positions requiring a fair grade of education.

The fourth, or next higher grade, would include all clerical positions in the departments at Washington, and in custom-houses, post-offices, and in other branches of the service in which first-class clerical ability is required. This class would probably include from 50 to 60 per cent of the present classified service.

The fifth, or next higher grade, would include all executive positions, such as chiefs and assistant chiefs of divisions and other positions in which executive ability is required.

The sixth grade need not be regarded as higher than the other, but it should embrace all positions in which special, scientific, professional, or technical knowledge and ability are required.

A grouping of this kind would form the basis of an examination system, and would also be the ground work of any promotion scheme which might be adopted. I have no doubt of the practicability of the plan. It could be accomplished by securing the cooperation of the departments and the appointment of committees of conference.

The classification once accomplished, the next step would be the establishing of six registers of eligibles as the result of basic examinations corresponding to the grades respectively. The basic examinations should be sufficient to test the qualifications of each applicant for each respective grade. In other words, they should demonstrate that each eligible possesses the educational equipment, experience, and ability necessary for efficient service in his grade. These registers would then be adequate to the filling of the larger part of the vacancies which would occur. But for positions requiring qualifications not tested by the basic examination supplementary tests should be provided, in which any of the basic eligibles who believe they possess the additional qualifications may be tested. For special positions in which vacancies frequently occur, such as stenographer and typewriter, supplementary registers should be provided in advance, but for those in which vacancies rarely occur the supplementary examination need not be given until occasion for it arises. The competition in either event should be limited to those whose names are already on the basic register, unless there is a failure to secure eligibles from this source, in which case the competition for both basic and supplementary tests should be open to outside competition. The confining of the competition to the basic eligibles is an important feature. It is due to those who aspire to public office and who go to the trouble and expense of taking examinations that their priority of claim be recognized and they be given first chance to prove their added qualifications. The present system reverses this and gives first chance, as it were, to those who have not previously been examined. A second reason for confining the supplementary test to basic eligibles is in order that the temptation to hold special examinations in the interest of special applicants for office may be avoided. All applicants would then be compelled to fall into line and take equal chances with the others. I do not hesitate to say that the present plan is susceptible of manipulation in the interest of individuals, and that it has actually been successfully manipulated in numerous instances.

My second suggestion is that eligibles be allowed to renew their eligi-

bility for a period of at least three years by filing a renewal application without reexamination. The process of securing positions is so slow that a year scarcely gives an opportunity commensurate with the trouble and expense of taking the examination. The right of renewal need not necessarily be given to all eligibles, but may be confined to those whose standing is high enough to make certification possible. For instance, right of renewal on the clerk register might be given to those whose averages are above 80, or who have taken some supplementary examination and attained a possible certification grade. This would obviate the necessity of carrying names on the registers beyond the probable or possible needs of the service. A provision might also be adopted that no person should be examined more than twice in three years for the same grade. This would make it possible for every applicant to have two trials in his effort to prove his fitness for the service, but this privilege might be confined to those whose first effort reaches a minimum of, say, 65. The others, being treated as hopelessly below the grade sought, might be allowed to try only for a lower grade. I have no doubt but the right to renew eligibility would greatly diminish the labor and expense of examinations. In further pursuance of the same end I would discontinue the practice of returning applications for correction and would grade the application on its merits as originally presented. Applications fatally defective and rated below 70 should bar the applicant until the next semiannual examination (unless the needs of the service require a waiver of this provision). As one-third of all applications are now returned for correction, this course would result in a great saving of labor, and incidentally it would tend to lessen the number of competitors which is now so far in excess of the needs of the service.

If the examination system were improved in the manner suggested a still further advantage would be possible by reason of the fact that each basic examination could be held on the same day at every free-delivery office in the country and held only twice a year.

This plan makes possible another improvement which I have advocated and which I believe is very essential, viz: It would make it possible to enter new names on the regular registers twice a year only—January 1 and July 1—except when the needs of the service required otherwise. The present haphazard method is open to the very gravest objections, inviting manipulation and subjecting the rights of applicants to a mere chance. By withholding a new batch of eligibles from the register for an hour a low-grade man already on a register may secure an appointment and a high-grade man about to be entered on the register may lose his chances.

The CHAIRMAN. Has that ever been done, to your knowledge?

Mr. BAILEY. Not to my knowledge. I merely speak of it as a possibility of the loose system.

When such a system prevails, I would advocate printing all lists of eligibles twice a year, January 1 and July 1, for the information of appointing officers and the public. I have become convinced that as between secret or closed registers and public or open registers the latter is far less liable to abuse than the former. If the lists are too long to publish in full, it would be possible to abridge the publication by including only the highest on the list, whose grades bring them within the range of possible certification. Such publication would save a vast amount of correspondence consisting of inquries as to relative standing on the registers, and it would be a guarantee of the open, honest method of the commission.

I think the regulations governing examinations should be so rigid that neither an examiner nor the commission itself could vary them to help or hinder the prospects of an individual. The conditions of the competition should be as absolutely stated and fixed as the advertised conditions on which men bid for Government contracts. When a date is fixed for the receipt of applications, it should be adhered to and not a single applicant, on any pretext or with any excuse whatsoever, should be allowed to slip in an application on a later date. If other conditions are announced they should not be waived in a single case. There are always some who can not meet the conditions. If many such are deterred from applying and it turns out that the conditions have been set aside in one or two cases, those who were kept out by the conditions have reason to complain of unfairness.

I have two suggestions to make for the improvement of the internal organization of the commission. I believe a correspondence division and a questions division should be established. At present the correspondence of the commission is scattered all over the office and handled in a most unsatisfactory manner. There is a want of uniformity in the manner of replying to letters which is often embarrassing, and there are long delays the responsibility for which can not be located. It is almost impossible to find an old letter which is needed for reference because it is liable to be filed away in any one of a half dozen places, and the system of filing is not uniform. Three of the best men in the office, with stenographers and typewriters, should be placed together and made responsible for all correspondence and for information given out at the bureau of information. Three men of high grade and special qualifications should be placed in charge of the preparation of questions under conditions that would guarantee absolute secrecy. They could be assisted by other examiners and by men designated for the purpose in technical examinations, but all of the work should be done under their immediate supervision and under conditions that guarantee absolute fairness.

I would suggest further that the commission adopt general regulations so plainly written that "he who runs may read" and sufficiently wide in scope to govern all of the essential practices and precedents of the office. The absence of such regulations is not only the source of much confusion, but it has led to numerous inconsistencies of actions which can not possibly be reconciled. I believe the work of the commission should be strictly governed by law, rules, and regulations, as discretionary powers to be exercised in individual cases are liable to grave abuse.

I have a statement here in answer to the question, What are practical examinations? You have not asked me anything in that line. It would take me three or four minutes to read the statement.

The CHAIRMAN. As we are pressed for time this morning, I suggest that you file it, to be incorporated in the record.

Mr. BAILEY. Very well.

The statement referred to is as follows:

WHAT ARE PRACTICAL EXAMINATIONS?

The criticisms of the examinations of the Civil Service Commission on account of their alleged nonpractical character arise for the most part from a very superficial view of the subject. It is assumed that every applicant for a Government position must be examined on the duties of the particular desk to which he is to be assigned, and if an examination contains anything which does not pertain to the special

work to which an appointee is first assigned the accusation is made that it is not a practical examination. There are several reasons why this view of the case is entirely misleading. In the first place an examination which relates to the special duties of a special desk in a particular office would be so narrow in its scope that no one outside of the Government service, and in many cases no one who had not occupied that particular desk, could pass it. If such examinations were tendered to applicants in various parts of the country who have never seen Washington, and are unfamiliar with the duties of the departmental office, they would have just reason to complain of the unfairness of the tests. Such examinations are well enough for persons who have had experience in the particular office for which they are held, but they would utterly exclude inexperienced persons who have never been in the Government service, although such persons may be quite as capable, or even more capable, of filling Government positions than some of those who hold such positions. Still another objection to such tests is the fact that the departments need men who can be shifted from one class of work to another, while such examinations would test the qualifications of applicants for only a single position. As a rule, the value of Government employees is enhanced by their ability to fill not one but many positions. An office which has in it only specialists who are without broad qualifications is always hampered in adjusting the employees to the variety of duties in the office.

At least 75 per cent of the positions in the classified service can be filled by persons of average intelligence and education who are not specialists in any line. The duties of such positions are, as a rule, easily learned by persons of ordinary education and intelligence. If the head of a department were left untrammeled by political influence to fill the ordinary positions in his department, he would probably seek for bright, fairly well educated young men or women who can adapt themselves to office conditions. He would want to know that such persons had sufficient education to do clerical work and sufficient good sense to apply their knowledge. These qualifications, coupled with integrity and personal acceptability, are the only tests which he would deem essential. He would not expect applicants for such positions to know the duties of the office before they had entered it and acquired experience.

The truth is that any examination which tests the general intelligence and education of an applicant is practical for all positions of a clerical character. It makes no difference whether the subjects of such examination or the questions under such subjects have any relation to the particular duties which will be required of applicants after appointment or not. If the examination demonstrates a good grade of intelligence and the possession of a fair common-school education it is practical. An examination for this purpose should keep within the range of a common-school education, but it should go beyond the text-books to the extent of affording opportunity to display good sense and general intelligence. In other words, it need not be a text-book examination, but it should be within the scope of the preparation afforded by a common school education and common business experience. If it travels outside of the course usually pursued in our educational system, it may then be charged that it is unreasonable and unfair. So long, however, as it keeps within the range of the almost universal common-school system of the country it can be defended on the highest grounds of utility and fairness. Any criticism of such an examination is quite as much a criticism of our system of education as of our civil-service

system. If our common-school system is practical, then our civil-service examinations are practical. If our schools are an essential preparation for the highest success in the business world, then our examinations are practical tests of the relative fitness of applicants for Government positions. It proves nothing to say that some persons deficient in education can learn to do certain kinds of office work sufficiently well, for it goes without saying that the same persons could do their work better if better educated, and, besides, they could do a greater variety of work. The Government has a right to seek the best and the best is always educated.

Every Government employee should be able to write, hence penmanship is a practical subject for any examination. Even mechanics and laborers are worth more with than without this qualification. A man without language would be no better than a beast. The ability to use the English language is a practical qualification; hence, spelling and composition or letter-writing are practical subjects for any examination. They may be very elementary, as in a copying exercise, or they may be more difficult, as in a scientific thesis, but in some grade of difficulty they are practical to every examination. Arithmetic is used in almost every office in the world. Even a Chinese laundry can not be run without it. Besides the universal application of arithmetic, it is one of the very best tests of mental power. Hence it is a practical subject. A man who can solve arithmetical problems can apply this ability to any occupation. If he can solve the arithmetical problems of a gas office or a mercantile establishment, he can solve them in the Pension Office or the Treasury Department.

The examinations of the commission are unquestionably practical and are calculated to secure a good quality of men for public positions. No apology for them needs to be offered.

Senator CHILTON. What departments of the public service are now excepted from the rule of apportionment by States? In other words, the theory of the civil-cervice law is that all the appointments should be made so as to keep up the equilibrium of the officials as between the several States. What departments of the public service are exempt from that rule?

Mr. BAILEY. If you will read the law, you will find reference only to the departments at Washington. Its language would seem to exclude anything except the departments at Washington. In the departments at Washington the apportionment rule is applied, except as to the Government Printing Office and a few minor places, like printers' assistants, in the Bureau of Engraving and Printing, and some employees of the mail bag repair shop. Those are the main exceptions in the departmental service.

Senator CHILTON. Can you not make out a list of all the exceptions?

Mr. BAILEY. Yes, sir; it is in the rules.

Senator CHILTON. It is all in the rules?

Mr. BAILEY. Yes, sir.

Senator CHILTON. Then I can look at it there. Why was the Government Printing Office excepted from that rule? Why not make an apportionment there according to the States, like it is made in the other Departments?

Mr. BAILEY. I think a strict interpretation was given to the law which says "the departments at Washington." The Government Printing Office seems to be quite distinct from the other departments. It is a subsequent growth; it is differently organized; the conditions are different. That is all I can say as to the reason for omitting it.

But I can add that when the rules were first adopted the commission adopted a sort of regulation to the effect that it would endeavor to make the appointments proportionate to the population of the various States and the District of Columbia. That, however, was subsequently abandoned as being an unwise policy. Since then apportionment has not been considered in appointments to the Government Printing Office.

Senator CHILTON. I will ask you if your attention has not been called to the fact that there has been a great abuse of the privilege of residence? Have you any suggestions to make on that score? In other words, are not a great many people claiming to be residents of the different States who are not actually, and in good faith, residents of those States?

Mr. BAILEY. That charge has been made, but from a very intimate knowledge of that part of the commission's work, having handled the applications, I have always felt that it was, in a measure, groundless.

Senator CHILTON. Have you not noticed that a greater proportion of the actual appointees are examined here than would ordinarily be examined here if that rule was strictly enforced?

Mr. BAILEY. That comes about partly by reason of this fact. In all the departments there are persons who are seeking different positions. They frequently come into the examinations. They claim their legal residence elsewhere, and they are entitled to it undoubtedly. That swells the number here. Then in this city we examine a great many from Maryland and Virginia. There are a good many facts of that kind that account for the excessive number of persons examined in this city.

Senator CHILTON. The chairman is compelled to attend another committee meeting, and I will not pursue the investigation further.

The subcommittee adjourned (at 11 o'clock a. m.) until Monday, January 24, 1898, at 10 o'clock a. m.

WASHINGTON, D. C., *January 24, 1898.*

The subcommittee met at 10 o'clock a. m.

Present: Senators Pritchard (chairman) and Harris; also Hon. John R. Procter, president of the Civil Service Commission; Mr. E. D. Bailey, chief clerk; Mr. A. R. Serven, chief examiner; Mr. G. R. Wales, of the Civil Service Commission, and Hon. Henry M. Baker, acting president of the National Anti Civil Service League.

WAR DEPARTMENT.

ENGINEER OFFICE.

TESTIMONY OF LIEUT. COL. ALEXANDER MACKENZIE, U. S. A.

Lieut. Col. ALEXANDER MACKENZIE, being duly sworn, testified as follows:

The CHAIRMAN. What is your present occupation?

Colonel MACKENZIE. I am at present the first assistant in the office of the Chief of Engineers in Washington.

Mr. PROCTER. I should like to ask if the Chief of Engineers and you as his assistant were not consulted as to the proposed extension of the classified service to the Engineer Department at large.

Colonel MACKENZIE. We had the matter under consideration in the

office of the Chief of Engineers. I think I might, if I would read a little memorandum giving some points I have in mind, which I hastily prepared this morning, state the facts you desire to know.

The CHAIRMAN. Very well.

Colonel MACKENZIE. Before submitting any statement regarding the application of the civil-service law to the Engineer Department at large it is proper to state that, while I was for many years in the immediate charge of engineering works, my duties during the past two and a half years have been in the office of the Chief of Engineers, and my experience in civil-service matters has been, to a certain extent, theoretical; and I would state further that, being without authority to speak for the Secretary of War or the Chief of Engineers, any opinions expressed by me must be considered personal.

While the issuance of the President's order of May 6, 1896, was under consideration I gave attention, at the request of the Chief of Engineers, to the probable effect of extending the classified civil service to the Engineer Department at large. In a memoranda submitted, while expressing most emphatically my firm belief in the principles of civil service, I called attention to certain restrictions of the law which I feared would result in embarrassment to the important works being carried on under the direction of the Chief of Engineers. Later experience has shown me that such fears were to a large extent imaginary and resulted mainly from a misunderstanding of the law.

When the President's order was promulgated, Capt. George W. Goethals, Corps of Engineers, and myself were detailed by the Secretary of War for consultation with the Civil Service Commission, with a view to formulating a system and special regulations for applying civil-service law to the Engineer Department at large. Many difficulties were at first experienced, but such have been to a large extent overcome by the wisdom of the commission and its earnest desire to make civil service a benefit to our work.

The general system under which civil service is applied to the Engineer Department at large is given in Circular 13, issued by the Chief of Engineers, August 10, 1897, copy herewith. This system is of course not perfect, and as experience is gained modifications will undoubtedly be found necessary and desirable, but it appears to me comparatively simple, and, in my opinion, preferable to the method of appointment in effect previous to the application of civil service. From the circular of the Chief of Engineers above mentioned I quote as follows:

> Under the system now agreed upon it is believed that no difficulty will be experienced by officers or agents in securing the best and most suitable employees, and that so soon as the present regulations are fully understood the benefits of the application of the civil-service law and rules to the Engineer Department at large will be fully acknowledged.

There are a few officers of the Corps of Engineers whose unfavorable impressions of the civil-service law, formed in advance of a full knowledge of its requirements, have not been changed by experience, but correspondence with officers leads me to believe that the large majority prefer a competitive merit system of securing employees, rather than one in which personal opinions or wishes are to control.

The circular is somewhat lengthy. I do not know that it is necessary to read it. It gives the system under which the civil-service is now carried out in the Department.

The CHAIRMAN. In the Engineer Department?

Colonel MACKENZIE. Yes, sir. It shows it is very simple.

The circulars referred to are as follows:

[CIRCULAR No. 13.]

OFFICE OF THE CHIEF OF ENGINEERS,
UNITED STATES ARMY,
Washington, D. C., August 10, 1897.

The following instructions and information relating to the application of civil-service rules and regulations to the Engineer Department at large are published for the guidance of all concerned:

1. All positions under the Engineer Department, excepting unskilled laborers, cooks, and those included in provisions of paragraph 6 (i), circular 2, Office Chief of Engineers, January 25, 1897, are classified under two headings: *Those requiring an educational test* and *those requiring no educational test.*

2. Those positions requiring an educational test are—

(*a*) Assistant engineers.

(*b*) Superintendents.

(*c*) Junior engineers, which includes inspectors, subinspectors, overseers, suboverseers, surveyors, hydrographers, topographers, transitmen, levelmen, sextant observers, computors, rodmen, and recorders.

(*d*) Clerks, including stenographers, typewriters, copyists, receivers of material, timekeepers, recorders of vessels, coal weighers, and storekeepers.

(*e*) Draftsmen.

3 The positions requiring no educational tests are—

(*f*) Inspectors, subinspectors, overseers, suboverseers, whose pay does not exceed $100 per month. Inspectors and overseers, in this class are those whose educational training has not fitted them for a civil-service educational test but whose experience, special skill, and fitness makes their employment for special work very desirable. While the limit of pay of this class is fixed, whether an inspector or overseer should be selected from the junior-engineer class, paragraph (*c*), or from the list prepared by the local boards, paragraph (*f*), will be determined not as a question of pay but as one of the duty to be performed.

(*g*) Deputy inspectors and masters, deputy inspectors and pilots, deputy inspectors and mates, masters, pilots, mates, engineers of steam vessels, and other similar positions which in private employ require a license from the office of steamboat inspection when the applicant is licensed.

(*h*) All the mechanical trades: Master workmen; master laborers; bakers; blasters; boarding masters; boatmen; steersmen; cement finishers; cement testers; cement workers; chainmen; concrete finishers, cranesmen; divers; dredge runners; dredge engineers; elevator conductors; gardeners; gauge readers; leadsmen; lock masters and assistant lock masters; lock and bridge tenders; weavers; weavers of mats; motormen, including all steam engineers not licensed engineers; pile drivers; powdermen; riggers; rodmen and recorders, at $75 per month or less; stewards; strikers; telegraph and telephone linemen; blacksmith's helpers; calker's helpers; carpenter's helpers; machinists' helpers; watchmen, including custodians, valve tenders, gauge readers, dam tenders, barge tenders, trackmen, fort keepers, topedo-station keepers, light keepers, porters, messengers, janitors, and similar positions not specified herein.

4. The designations herein specified were taken from the lists of employees furnished by the various district officers. Some of them are

local and not adapted to general use, but it is believed that from those enumerated someone can be found to cover any position to be filled.

5. Assistant engineers and superintendents required for a greater length of time than is covered by emergency appointments, who can not be secured by transfer, will be appointed in accordance with regulations which will be promulgated as soon as practicable. If such appointments appear necessary, in advance of the receipt of such genral regulations, the cases will be presented for the special consideration of the Chief of Engineers and Civil Service Commission.

6. The eligible lists of junior engineers will be prepared, as heretofore, by the Civil Service Commission, and by a recent decision of the commission, the list showing the qualifications or fitness of the various eligibles for particular work will be furnished to a central board, appointed by the Civil Service Commission, in the office of the Chief of Engineers. Hereafter certifications will be made to the Chief of Engineers by this central board. In making applications for "junior engineers," officers and agents should be careful to designate the particular qualifications that the appointee should possess, in order that the proper persons may be selected for certification. An appointee so selected is eligible for assignment to duty in any authorized position enumerated under this grade.

7. Since the examinations required for the junior-engineer positions are of a more comprehensive character than those for the clerical positions, the Civil Service Commission has decided that employees occupying any of the junior-engineer positions in the classified service, for which educational tests are required, are eligible for assignment to the clerical grades without examination. Such transfers can hereafter be effected with the approval of the Chief of Engineers. This provision applies to persons classified in the junior-engineer positions at the time the civil-service law went into effect, as well as to those thereafter brought in by certification from eligible lists.

8. Draftsmen may be secured from the special list of eligibles prepared by the Civil Service Commission or from the junior-engineer list, as the local officer may select. If selected from the latter list, the appointee is eligible to assignment or promotion to any of the junior-engineer grades without examination. This provision applies also to draftsmen who were classified when the civil-service law went into effect, and who had at times been previously employed in any junior-engineer position.

9. Employees occupying any of the clerical positions may become eligible for promotion to any of the junior-engineer positions by satisfactorily passing an examination for such positions, to be conducted by local boards, under the direction of the central board.

10. Appreciating the fact that many persons, by reason of practical experience, possess the peculiar qualifications necessary to perform satisfactorily certain duties required of employees in the Engineer Department, and who are not competent to pass an educational examination, the Civil Service Commission consented to the organization of the second general class, for which no educational test is required. To carry out the civil-service rules and regulations properly, local boards of examiners have been established in the various engineer districts to prepare local lists for the various positions enumerated under paragraph 3. Hereafter these local boards will be under the supervision and control of the central board in the office of the Chief of Engineers.

11. Inspectors, overseers, recorders, etc., selected from lists prepared by the local boards are not to be confounded with junior engineers who

have satisfactorily passed the educational test, but all those enumerated under paragraph 3 may become eligible to any position under the classified service for which an educational test is necessary, except that of assistant engineer and superintendent, provided they secure the requisite percentage at examinations to be conducted by the local boards, under such instructions and directions as the central board may prescribe. A diploma, showing graduation in an engineering course from certain approved technical schools, in the case of rodmen and recorders selected from lists prepared by local boards, will be considered as equivalent to such an examination, and will make the holder eligible to promotion without examination to any junior-engineer position after a year's probation, if services have been satisfactory and capability shown. Lists of such approved schools will be furnished hereafter.

12. In making selections from the lists of eligibles prepared by the local boards, due regard should be had to the qualifications required to fill the position properly, and one of the three highest, possessing such qualifications, should be selected irrespective of their relative standing on the list.

13. When a vacancy occurs and there is no eligible list from which selection can be made, or if the eligibles on the list do not possess the requisite qualifications to properly or satisfactorily perform the duties of the position, a temporary appointment should be made. Temporary employees in grades under the control of the local boards may, while so temporarily employed, be examined and taken into the classified service, in accordance with the rules and regulations of the Civil Service Commission.

14. The Civil Service Commission has decided that it is not necessary that the application made to the local boards shall be in the applicant's own handwriting; in other words, whether the inability to write shall debar an applicant from appointment to any position is hereafter a matter for the decision of the local officer or agent.

15. Cooks will hereafter be considered in the same category as laborers, and are taken out of the classified service.

16. Paragraph 6 (i), Circular 2, Office Chief of Engineers, 1897, is amended to read "not to exceed $45 per month" instead of "at a monthly rate of less than $45."

17. The question having been raised as to the evidence which a disbursing officer should furnish relative to payments to employees to show that such employees are properly in the classified service under civil service law, rules, and regulations, the resulting decision of the Comptroller of the Treasury makes it incumbent on the Chief of Engineers to examine money accounts in connection with the lists of employees in each district, and his approval of the accounts carries with it the information to the accounting officers of the Treasury that the employees on the rolls and vouchers have been appointed according to law; it is therefore essential that all changes in the status of employees should be accurately noted on the monthly lists of changes, and that these lists be forwarded promptly for examination in connection with an officer's money accounts.

18. The headings to be hereafter used on monthly lists of changes will be as follows: 1. Appointments; 2. Reemployments; 3. Promotions; 4. Reductions; 5. Furloughs without pay; 6. Discharges; 7. Resignations; and such other headings as the local officer or agent may deem necessary to properly show the change of status.

19. Acknowledgment of receipt of list of changes without remark or exception will be classed as an evidence of its correctness, and the approval of all items thereon requiring action by the Chief of Engineers.

20. Such instructions contained in previous circulars and circular letters from this office or from the Civil Service Commission as are in conflict with the instructions herein contained are hereby revoked; but all instructions heretofore issued and not herein modified, are continued in force.

21. Since the classified service was extended to the Engineer Department at large by the President's order of May 6, 1896, the Civil Service Commission and representatives of the office of the Chief of Engineers have been in frequent consultation, with a view to simplify the system in its application to this department to as great an extent as is consistent with law and regulations. It has been the constant aim of the commission to render all the aid in their power, and, while securing to the engineer service all the benefits of civil service, to gradually so change the details of its application as to make the service practical and to avoid any interference with the successful prosecution of work.

Under the system now agreed upon it is believed that no difficulty will be experienced by officers or agents in securing the best and most suitable employees, and that, so soon as the present regulations are fully understood, the benefits of the application of the civil service law and rules to the Engineer Department at large will be fully acknowledged.

All details connected with the application of civil service to the Engineer Department at large and the control and direction of local boards are now placed in the hands of a central board, organized by the Civil Service Commission for service in the Office of the Chief of Engineers. All communications relating to civil service will be addressed by local boards to the secretary of this central civil-service board, Office Chief of Engineers, Washington, D. C.

The difficulty of so presenting information and regulations as to cover all points and be clearly understood is fully realized, and requests for information or instructions on any points, or practical suggestions as to further modifications or improvements, are expected and solicited.

By command of Brigadier-General Wilson:

JOSEPH E. KUHN,
Captain, Corps of Engineers.

[Circular No. 1.]

CENTRAL CIVIL SERVICE BOARD,
Office Chief of Engineers, United States Army.

Under the regulations established by the Civil Service Commission for the registered class of employees, local boards make up lists of eligibles and furnish copies of such lists to the engineer officer in charge of the district; that is, the entire list of eligibles is submitted by the board to the officer in charge. The selection of employees from the list of eligibles is in the hands of the officer, who is responsible that such selection is made in accordance with law and regulations.

If all the eligibles on any list possess the necessary qualifications for the position to be filled, one of the three highest, as graded by the local boards, will, under ordinary conditions, be selected; but if the position to be filled be temporary, or if conditions do not justify the selection of an eligible at a distance from work, the selection may be made from the three highest found in the immediate locality of work upon which the eligible is to be employed.

When special work is to be performed requiring special qualifications, selection may be made from the three who possess the special qualifications to the highest degree, regardless of their general standing on the list.

When no one on a list possesses the special qualifications required for any special work a temporary appointment may be made by the officer in charge, and such temporary appointment can be made permanent, provided the temporary employee passes the required examination before the local board and is certified as an eligible by the board.

The local boards are responsible for the lists they prepare, and it is their duty to investigate fully all applications, to the end that no inefficient or improper applicants are made eligible for appointment. Certificates and indorsements of unknown parties will not be accepted as complete evidence of capacity or worthiness. All applicants before being declared eligible must appear before the local board or some of its members and be personally examined. At least two members of the local boards will ordinarily be located at the headquarters of district, but the number of members of such boards is unlimited, and membership may be extended to include assistants in the field and in various parts of a district. Applications will be received, personal examination will be made, and rating prepared by any such member of board, the applications being forwarded to the board at headquarters for further consideration and final action.

The regulation regarding the dropping from the list names that have been passed over three times does not apply to the lists of eligibles prepared by local boards, but any eligible whose name has remained on the lists of local boards for one year will be dropped, and he can become eligible again only through a new application and examination.

Eligibles in any engineer district are also eligible for appointment in any other district.

When an eligible is appointed to any position his name will be dropped from the eligible list, and to permit this local boards must be properly notified of such appointment. When appointed the eligible becomes subject to the regulations for discharge or furlough without pay. If discharged his reappointment must come through a certificate of the local board; if furloughed without pay he may be reemployed by the officer in charge without such certification.

The civil-service act provides that there shall be a period of probation for all eligibles "before any absolute appointment or employment." Under the regulation of the Civil Service Commission absolute appointment is not made until a probationary period of six months has demonstrated capacity and conduct. All eligibles selected from the register lists of local boards by engineer officers in charge of districts will be considered probationers, and if conduct and capacity are not satisfactory such probationer may be discharged at any time by the officer in charge.

Probationers from registered lists of local boards become, by a satisfactory service of six months (on duty or on furlough without pay), full classified employees; the discharge for cause of such classified employees, or of those appointed from eligible registers of the Civil Service Commission (educational class), will be subject to provisions of the President's order and approval of the Chief of Engineers. When in opinion of officer in charge discharge of an employee of these classes is proper, such employee can be suspended until final action in the case is taken.

When discharge of or decrease of force is made necessary by suspension of work, lack of funds, or other cause, any employee may be discharged or furloughed without pay by the officer in charge.

In the case of employees secured from registration lists of local boards it is so comparatively easy to renew eligibility by a reappearance before local boards that furloughs without pay, which extend eligibility over a long period of time, should not be granted unless there is a strong probability of reemployment, after a brief suspension, on same work or in similar positions in other districts.

A. MACKENZIE,
Lieutenant-Colonel, Corps of Engineers, Chairman.

The CHAIRMAN. When it becomes necessary to select parties for employment in the Engineer Department, how do you select them? Do you take the three highest on the list or do you require the Civil Service Commission to send down the three highest?

Colonel MACKENZIE. We have two classes of employees, those who require an educational test and those as to whom no educational test is required. The first class are obtained through the civil service. The second class, who form a large majority—perhaps nine-tenths of our employees—are procured from registered lists which are made up by local boards of examiners in the district offices.

The CHAIRMAN. Do you speak with respect to the District of Columbia?

Colonel MACKENZIE. No. The whole country is divided up into engineering districts, with an engineer officer in charge of each, and in each district there is a local board, which provides for a practical examination for all such employees as do not require an educational test. They prepare these eligible lists.

The CHAIRMAN. Do you take any name appearing on the list?

Colonel MACKENZIE. Not any name. The local officer makes the selection from those. If there are no special qualifications required, if all on the list are of about the same worth, he is required to take one of the three highest on the list; but he is also authorized to take one of the first three possessing the special qualifications required for any place. That is, if we require a boat carpenter and none of the first three on the carpenter's list possess the necessary qualifications for a ship carpenter, he is permitted to take one of the three highest-graded shipbuilders on the list.

The CHAIRMAN. You speak of a list; how is the registered list made up?

Colonel MACKENZIE. It is made up by certain forms of applications. It is made up under a circular prepared and issued by the Civil Service Commission, and it requires certain forms and certain vouchers, and then the applicant has to come before the local board or some member of it and be examined as to his practical qualifications for the position for which he applies. Then there is a certain grading for age and experience.

The CHAIRMAN. That is a matter entirely within the discretion of the board?

Colonel MACKENZIE. It is entirely within the discretion of the board.

With regard to the employees requiring an educational test I will say they are secured by application first to our office. If it is for the clerical branch, or one in which the eligible list is with the Commission, we apply through the Secretary of War to the Commission and have certified the three first names on the list or the three highest graded in the locality where the employment is desired. In the case of assistant engineers, by arrangement with the Commission we have the eligible lists in our office, and the central civil service board in the office of the Chief of Engineers, of which I am chairman, certifies three names.

CIVIL SERVICE COMMISSION.

TESTIMONY OF E. D. BAILEY—Continued.

The CHAIRMAN. Mr. Baker, you may interrogate Mr. Bailey.

Mr. BAKER. Did the President, when the secretary of the Commission was engaged in the preparation of new rules, prior to the order of May 6, recommend or order new rules to be formulated?

Mr. BAILEY. It was understood in the office that he did.

Mr. BAKER. You do not know that there was any order to that effect?

Mr. BAILEY. No, sir; I do not think it at all likely that there was any written order.

Mr. BAKER. Do you think the commission suggested the rules to the President?

Mr. BAILEY. That is, suggested a remodeling of the rules?

Mr. BAKER. Yes.

Mr. BAILEY. It is more than likely they did.

Mr. BAKER. The statute suggests the other practice, that the President shall make the suggestion rather than the commission.

Mr. BAILEY. Yes; perhaps a strict construction of it would, but those are matters of comity, and practice determines the order things somewhat, without infringing on the law. If the President consents to receive suggestions, it would be presumed that it was according to his will.

Mr. BAKER. I believe you stated that there are two divisions in the office, one under the direction of the chief examiner and one under the direction of the secretary?

Mr. BAILEY. Yes, sir.

Mr. BAKER. Can you tell how many of the persons detailed from the Departments and offices for service with the commission are in the secretary's division?

Mr. BAILEY. Not exactly, without going over the matter. Perhaps, in a moment, I could give you a close estimate.

Mr. BAKER. As near as you can.

Mr. BAILEY. I think it likely that about fifteen are in the secretary's division; but these would include about ten persons who are under what is called the certification division, located upstairs, where the chief examiner is, and they are doing work pertaining to the chief examiner's division. The situation there is a little anomalous.

The certification division consists of two parts—certifications proper and the keeping of records. The certification division is under the secretary, but the records pertain to the chief examiner's division, and most of those detailed are engaged on the record work.

Mr. BAKER. They are not engaged in the examination of people or in the marking of examination papers?

Mr. BAILEY. The ten of whom I speak, being only approximate, of course as to number, are engaged in examining work in this way. They are calculating the averages on the examination papers. That work is not done in the examining division, but is turned over to the certification division, and the averages are calculated there.

Mr. BAKER. Is there any restriction in the rules of the commission upon the power of the head of a Department to transfer clerks in his Department from one bureau of it to another?

Mr. BAILEY. Do you ask whether there are any restrictions in the rules as to transfers?

Mr. BAKER. Within a Department.

Mr. BAILEY. Practically, none; there is none. It would take me but a moment to read the paragraph relating to that, if you desire it. Paragraph 1, of rule 10, says: "A person in any Department or office may be transferred within the same Department or office and the same branch of the service upon any test of fitness, not disapproved by the commission, which may be determined upon by the appointing officer, subject to the limitations of the provisos of section 2 of this rule."

Mr. BAKER. Then, according to that rule, the commission has a negative power upon transfers within a Department?

Mr. BAILEY. Yes, sir.

Mr. BAKER. "Not disapproved by the commission."

Mr. BAILEY. It has negative power on the examination tests, and also it has to give assent to the question whether the transfer is legal under the provisos of section 2.

Mr. BAKER. How do you reconcile that condition of affairs with the section of the Revised Statutes which says that the head of a Department may transfer within his Department as he pleases?

Mr. BAILEY. What statute is it to which you refer?

Mr. BAKER. I have forgotten the number of the section of the Revised Statutes, but it is a section of the Revised Statutes somewhere in the one hundred and sixties which distinctly says that the head of a Department may transfer.

Mr. BAILEY. I should say it would be reconciled by reason of the fact that the civil-service law supersedes all laws that are contradictory to it.

Mr. BAKER. Is there any repealing clause whatever in the act of January 16, 1883—the civil-service act?

Mr. BAILEY. No, sir. There is, on the other hand, in section 7 of the law, a statement that section 1753 shall remain in force, except so much of it as is contradictory to this law.

Mr. BAKER. There is no modification or limitation of any——

The CHAIRMAN. I suggest to you, Mr. Baker, that that is purely a question of the construction of the law, and is not a matter to be brought out in evidence.

Mr. BAKER. Do you think that under the statute the President's power to modify the rules relates only to an increase or inclusion of the service?

Mr. BAILEY. Yes, sir. I see nothing in the law that points to the power to take out of the service after putting it in.

Mr. BAKER. You recommended in your testimony, I believe, certain exclusions from the present condition. You think the service would be improved by certain exclusions. Then, is it your opinion that such modification could come only by act of Congress?

Mr. BAILEY. No. I did not suggest exclusions, but was careful to say that, so far as I understand, the only power which the President has under the law is to make exceptions. The law itself provides for exceptions to the examination requirement, and he would have the power to except any one place or any class of places from the requirement of examination.

Mr. BAKER. Does not the law itself state that the President may make modifications of the rules?

Mr. BAILEY. Let me read the exception clause:

"And any necessary exceptions from said eight fundamental provisions of the rules shall be set forth in connection with such rules, and the reasons therefor shall be stated in the annual reports of the commission."

It is under this provision, I understand, that the President has had the power to except from examination certain places which were in the classified service and to make other places noncompetitive.

Mr. BAKER. Will you also read the first of those rules?

Mr. BAILEY. The rules or the law?

Mr. BAKER. The suggestion of rules in the law.

Mr. BAILEY. I will do so:

"First. To aid the President, as he may request, in preparing suitable rules for carrying this act into effect, and when said rules shall have been promulgated it shall be the duty of all officers of the United States in the Departments and offices to which any such rules may relate to aid, in all proper ways, in carrying said rules, and any modifications thereof, into effect."

Mr. BAKER. You also read a list of improvements which you thought could be made in the execution of the civil-service act. Were your suggestions in relation to those improvements based upon observations of past or existing errors in those regards?

Mr. BAILEY. I do not know that I should say errors, but I think some of the practices of the commission, which were very good when they were first instituted, under conditions that differed somewhat from the present conditions, can now be improved.

The CHAIRMAN. I have received a letter from Mr. Bailey, dated January 21, 1898, in which he says:

> It has come to my knowledge that I am under an unpleasant suspicion by reason of the fact that I was summoned as a witness before your committee. Will you kindly inform me why you singled me out from the force of the commission and placed me on the witness stand?

In the first place, I desire to state to the committee that at the suggestion of a distinguished member of the Senate I had Mr. Bailey subpœnaed as a witness. The Senator suggested at the time that Mr. Bailey had had quite an experience in the Civil Service Commission and was a very competent and faithful man, and that he would like to have him come here and testify as to those matters. In accordance with his suggestion I had Mr. Bailey subpœnaed. It was not at Mr. Bailey's instance, either directly or indirectly, as I understand. Mr. Bailey, you state in this letter that you are under an unpleasant suspicion by reason of the fact that you have been summoned before the committee. What evidence have you of the fact that you are under such suspicion?

Mr. BAILEY. I should like to state, in regard to the statement you have just made, that I do not know who the Senator is. I have had no intercourse with any Senator which would warrant him in making such a request. I certainly have not expressed a desire to appear before the committee, and, so far as I know, the summons to appear here as a witness came entirely without any motion on my part.

There were some little things in the office after the summons came which suggested to me, in view of the fact that I was the only one who had been subpœnaed, that I was likely to be suspected of having elected to come before the committee with a view possibly to giving testimony which might not be agreeable.

The CHAIRMAN. Who in the office made those intimations to you?

Mr. BAILEY. The matter is really a very minor one. I had in mind in writing the letter to you simply to get a statement of the fact that I was not here at my own solicitation.

The CHAIRMAN. I take it that it is not at all necessary when a witness is subpœnaed before the committee that he should go into a

detailed explanation as to why he appeared before the committee either to the Civil Service Commission or any of the Departments. That is a matter entirely within the discretion of the committee and especially is this true when a request is made by a member of the Senate that a witness shall be examined. Therefore if anyone has interfered with you in the least, it is due to the committee and due to yourself that you should state plainly and frankly everything that has occurred in regard to it.

Mr. BAILEY. I can not say that I regard anything that has occurred as interfering

The CHAIRMAN. Please state what has occurred, and the committee will be the judge as to that.

Mr. BAILEY. At your request I shall be obliged to make the statements which I would of course very much prefer not to make, not because there is anything in them, but because the two or three matters which led me to write the letter are of a personal character. My relations in the office are very friendly, and I make the statement only because I understand my oath requires me to tell the truth, the whole truth, and nothing but the truth.

The first thing that revealed to me the fact that I might be suspected of knowing something more about the examination than I actually did know was from the president of the Commission, who sent for me and asked me to come to his office. I went there. He stated to me frankly that he had no desire to influence my testimony in any way whatsoever, but the chairman of this committee, he said, had not summoned anyone who was friendly to civil-service reform hitherto, and while he did not directly say it, it was plainly implied that I must know something about the testimony which was to be given, and if so, he asked me to say to him what it was to be, in order that he might be prepared with any correspondence or records which would bear on the case.

I assured him very frankly that I did not know what testimony I was to give or what the lines of the investigation were to be. He made the request twice. I was not impressed, however, with the idea that the president of the commission had any intention to intimidate me or to influence my testimony. I thought it was a very frank and personal interview, and I so treated it at the time, and so regard it at this time.

A little later than that, after the first testimony, I was engaged in finding the records in reference to Mr. Albert Baker, and the chief examiner raised with me the question whether I had any authority to divulge the records of the commission, and whether I should not call upon the commission for a statement to me. I made a pencil memorandum of the record in that case, and acting upon the suggestion of the chief examiner I went to Mr. Procter's office and read it to him, and while I do not know that he directly said it was all right, he certainly did not object to my giving it. I was under the impression that that was satisfactory.

But a little later in the day I was reminded again that perhaps it would be wise for me to obtain the record officially. I had prepared previous to that a typewritten copy, which I presented to the committee, and gave it to Mr. Wales to read, and also to the chief examiner, and on this suggestion I went to Mr. Procter's office, but it was after 4 o'clock considerably, and he had left the building. So I brought the memorandum with me here and presented it to Mr. Procter where he sits now, before I presented it to the committee. He said to me right frankly and quickly that he had no objections to my presenting it.

There was one other little thing that led me to write the letter perhaps more than either of the other items. The chief examiner stated to me that he had—perhaps I ought to precede that statement——

The CHAIRMAN. Who is the chief examiner?

Mr. BAILEY. Mr. Serven. Let me precede that statement with the statement that after the second day's testimony which I gave Mr. Procter asked me for copies of the memoranda which I presented here. If you will remember it was nearly all written testimony on that day. I sent him copies, and later in the day the chief examiner stated to me that he had been with the commission conferring with reference to the matter, and he stated that they were not pleased with what I had said; that they regarded my suggestions of improvement as being matters that belonged to the administration of the office and not to the amendment of the law, and that it seemed to them as if my testimony was like a fire in the rear.

He stated to me, further, that the commission had directed that hereafter I should not sign any recommendations from the chief examiner's division to the commission when the chief examiner was on duty.

The CHAIRMAN. What do you mean by that statement?

Mr. BAILEY. It has been a part of my work for most of the time to sign most of the recommendations and references of business from the chief examiner's division to the commission. Sometimes the chief examiner himself has done it, and sometimes I have done it. For a long time now I have been doing it regularly, and he stated to me in that connection that I was not to do that any more. These are the only facts——

The CHAIRMAN. Does that curtail the duties or powers which you exercised heretofore?

Mr. BAILEY. Yes, sir; to that extent it does. I regard these as very minor matters, and I am very sorry to state them. I would not state them except that you requested me to do it.

The CHAIRMAN. You say that Mr. Procter told you that the chairman of this committee had only summoned people who were antagonistic to the civil-service law?

Mr. BAILEY. Yes, sir; I so understood him.

The CHAIRMAN. Did he give you the names of the parties?

Mr. BAILEY. No, sir. He said no unpleasant things concerning the investigation, unless that was——

The CHAIRMAN. In this connection I desire to state to the committee that the people whom I have had summoned in the past have been subpœnaed at the request of various members of the committee, or at the request of different Senators or members of the House of Representatives. Nine-tenths of the people who have come here were unknown to me when they came before the committee. I knew nothing about the nature of their testimony. I have had before the committee Mr. Albert Baker, who was Mr. Benedict's headsman during his administration. I have had before the committee numbers of men who are civil-service reformers and numbers who call themselves spoilsmen, but in no instance have I ever been actuated by a desire to make an ex parte investigation of this matter. I have simply tried to do my duty as I understand it. I do propose, however, to make a thorough investigation of the Civil Service Commission, and I do not propose that witnesses shall be in the least intimidated by Mr. Procter, the commission, or anyone else. I desire to have a full and fair investigation of the matter.

I wish you, Mr. Bailey, to state fully and fairly everything you know about this matter, because you are here not at your own instance, but at the request of the committee.

Mr. BAILEY. I should like to repeat that I did not regard these minor matters as calculated to intimidate me, and I did not feel intimidated. I simply desire to maintain pleasant relations in the office in spite of any adverse opinion I may feel compelled to give, and I thought if it were known, as I presumed it would be upon your answering my inquiry, that I was not responsible for being called before the committee, it would place me in pleasanter relations. I feared from these little circumstances which I have rehearsed that I was misunderstood, and perhaps for the time being under a cloud.

I will state further that when I received the summons, learning that no others had been summoned, I was surprised at that fact, and, as the question naturally arose what I should do, I determined, as of course I ought to have determined in my own mind, that I would answer all inquiries frankly and honestly according to the facts. I am a civil-service reformer, and I shall be glad to give all the testimony I can in favor of the system. I believe in it fully.

The CHAIRMAN. I wish to state that there are a number of gentlemen in the Civil Service Commission whom I expect to have before the committee. I expect to have Mr. Procter before the committee and Mr. Harlow, and also a number of clerks in the commission, in order that we may know all about the workings of the commission, not with a view to breaking down the civil-service system or establishing the spoils system, but simply with a view to ascertaining the facts in the case. Mr. Procter, you may proceed with your examination.

Mr. PROCTER. Mr. Bailey, how long have you been a member of the commission's force?

Mr. BAILEY. I came on in July, 1887. It will be eleven years the coming July.

Mr. PROCTER. You were transferred from what Department?

Mr. BAILEY. From the War Department.

Mr. PROCTER. What position did you hold there?

Mr. BAILEY. That of a clerk.

Mr. PROCTER. What was your salary?

Mr. BAILEY. One thousand dollars.

Mr. PROCTER. What salary did you receive when you were transferred to the commission?

Mr. BAILEY. One thousand six hundred dollars.

Mr. PROCTER. How long had you been in the War Department?

Mr. BAILEY. Two and a half years.

Mr. PROCTER. Had you ever had any experience in administrative work—I mean in charge of administrative work—before coming to the commission?

Mr. BAILEY. Do you mean under the Government?

Mr. PROCTER. Yes

Mr. BAILEY. No, sir; my position was a subordinate position, clerical entirely.

Mr. PROCTER. What is your profession?

Mr. BAILEY. I am a minister. Is that what you mean? However, I have never been the pastor of a church. I have never entered the active ministry. I have all my life been engaged in business.

Mr. PROCTER. Were you present at any of the conferences which the Commissioners or the chief examiner held with the Engineer Department in establishing the rules for governing that department.

Mr. BAILEY. Prior to May 6?

Mr. PROCTER. Prior to May 6 or since May 6.

Mr. BAILEY. I was present once at the office of the engineer force subsequent to May 6, but not prior to it.

Mr. PROCTER. Have you been selected by the commission to visit any of the engineer districts to investigate the practical workings of the system?

Mr. BAILEY. No, sir; I have not.

Mr. PROCTER. Have you been present at any of the conferences of the officers of the internal-revenue service with the Commissioners or the chief examiner as to the methods of putting into operation the classification in regard to the internal-revenue service?

Mr. BAILEY. Only a part of the internal-revenue service was brought into the classified service May 6.

Mr. PROCTER. I mean at any time.

Mr. BAILEY. I have often been consulted in regard to the internal-revenue examinations, and have conducted much of the correspondence with the office in reference to it, and have been continually consulted by the chief of the application division and the chief examiner.

Mr. PROCTER. That is not the question. I ask you whether you have been with the Commissioners or the chief examiner when consulting with the Commissioner of Internal Revenue?

Mr. BAILEY. No, sir.

Mr. PROCTER. Have you visited any of the internal-revenue districts throughout the United States and examined their practical workings when the commission sent out men to conduct investigations?

Mr. BAILEY. No, sir; not internal-revenue offices; but the reports of every man who was sent out came, first of all, to me. I have read them all, and have had very intimate knowledge through them of all the facts which they discovered. I have discussed with them always their reports and the facts which they found out, as the commission has.

Mr. PROCTER. You were asked by the chairman whether eligible lists had been provided prior to May 6.

Mr. BAILEY. Yes, sir.

Mr. PROCTER. Were eligible lists prepared prior to the extension of the classification to the post-offices of the United States?

Mr. BAILEY. It was not necessary, because no post-office was classified, under the decision of the Attorney-General, until an examination had been held. The situation was different.

Mr. PROCTER. Were eligible lists prepared prior to any of the extensions? When an extension was made by Presidential order, had eligible lists been prepared prior to the order?

Mr. BAILEY. There never was a case in which eligible lists were prepared prior to the order, but no service was classified, according to the decision under which the commission acted, until the examination had been held. That made the latter situation differ entirely from the former in that respect. The moment the head of a Department in the latter case signed the classification, under the provisions of the rules themselves, the service was classified. The commission, I understand, so treated it, and did not after that time regard appointments without examination as being legal and permanent, but required them to be temporary appointments.

Mr. PROCTER. Were not many of the suggestions which you made in your communication the other day made from time to time to the commission?

Mr. BAILEY. Yes, sir; I have made most of them myself from time to time.

Mr. PROCTER. So they have had the consideration of the commission?

Mr. BAILEY. I am not so sure about the commission having considered them in the sense of having given any thought to their adoption. I know nothing about that. I know they have been presented.

Mr. PROCTER. You have not seen all the correspondence from the certification division and the service records division on which the minutes of the commission were predicated?

Mr. BAILEY. Sometimes I have and sometimes I have not. I have given no testimony, I believe, in reference to certifications. I think I have not; at least, not to my knowledge.

Mr. PROCTER. I thought you gave some testimony about the certifications in the postal service?

Mr. BAILEY. No. I have not been asked. I am ready to give it if I am asked.

The CHAIRMAN. Mr. Serven was asked in regard to the matter.

Mr. BAILEY. I will state that I probably have had as much access to them as Mr. Serven has, who was questioned in reference to the matter.

Mr. PROCTER. You spoke of the rule for transfers, referring to the class of work?

Mr. BAILEY. Yes.

Mr. PROCTER. Are you aware of the fact that the interpretation of that rule has been the subject of conferences with the President, and that the suggestions which you made at the time of the adoption of the rule were not the same as those made by Major Webster, and that the suggestions which he made were adopted?

Mr. BAILEY. I am aware of the fact, or I had heard of the fact, that the commission had consulted the President in reference to the transfer rule. I have been made more aware of it since I gave my testimony than I was before. I understood before that it was merely an informal conversation with the President in reference to it. I do not understand now that the President has given any written interpretaion of the transfer ru le.

Mr. PROCTER. You are aware of the fact that the commission understood what the meaning of the rule was when they spoke of the class of work—the same class of work?

Mr. BAILEY. Your first question implied a statement that Major Webster, the former chief examiner, held a different view from that which I have always held in reference to that clause. I do not suppose we should discuss a dead man's opinions, but I was certainly very decidedly of the opinion and the understanding that Major Webster had held exactly with me on that point.

Mr. PROCTER. You are aware that Major Webster was constantly in consultation with the three Commissioners prior to the adoption of the rules?

Mr. BAILEY. Yes, sir. I was aware of that, and conversed with him a great deal.

Mr. PROCTER. Major Webster was a man who had had large administrative experience?

Mr. BAILEY. Very large, but I do not understand that the rules as adopted were the rules as he prepared them. They underwent such complete remodeling as distorted them out of all semblance to what he prepared.

The CHAIRMAN. I would suggest that this testimony is of a negative character.

Mr. PROCTER. I have prepared a statement, Mr. Chairman, and pos-

sibly it might save time if you were to put me on the stand now in regard to Mr. Bailey's testimony.

The CHAIRMAN. No; that is not the regular way. The ordinary course is to examine a witness and then take up another witness, and have the matter come in consecutive order. You may proceed, Mr. Procter.

Mr. PROCTER. Mr. Bailey, did you not, in March last, communicate with a Senator of the United States with regard to the administration of the affairs of the commission?

Mr. BAILEY. I have communicated with quite a number of Senators and others, covering quite a period of time. I can not say distinctly as to March last.

Mr. PROCTER. In that communication was not a statement made as to the employment of the 15 steel inspectors?

Mr. BAILEY. I do not remember that I have ever written a letter to a Senator in reference to the affairs of the commission. I can not remember at this time ever having written any such letter. I do not think I did write such a letter.

Mr. PROCTER. I did not say a letter. I said a communication.

Mr. BAILEY. A memorandum?

Mr. PROCTER. A memorandum.

Mr. BAILEY. To a Senator?

Mr. PROCTER. Yes.

Mr. BAILEY. No, sir.

The CHAIRMAN. Suppose you did make a statement to a Senator about steel inspectors; was it the truth or a falsehood?

Mr. BAILEY. It would have been the truth. I should not blush at having made it, and I have no occasion for disavowing it, but really at this time I have no recollection of having written a communication or preparing a memorandum for a Senator on that subject.

Mr. PROCTER. I do not care to ask anything more just now. Mr. Chairman, I have prepared a statement covering all the points raised in Mr. Bailey's evidence.

Mr. BAILEY. If it will throw any light on the subject, I will make a statement which is not implied in your question, and it may possibly account for your impression that I wrote such a letter.

I could not, without a little reflection to connect it with other events, state when it was, but I became very much distressed in reference to the condition of the work of the commission in the winter of 1896–97—November, December, and January. I was consulted by quite a number of persons who were deeply interested in the Civil Service Commission, every one of them friends not only of civil-service reform but of the Commissioners, so far as I remember at this time, but I was not consulted in reference to the matter, nor was my opinion asked in reference to the matter I am going to state now.

I became so much exercised over the condition of the work of the commission that I wrote a letter to Mr. Theodore Roosevelt, at that time one of the police commissioners of New York, and briefly stated to him that there was something about which I should like to take his advice, and asked him if I could have an interview with him if I went to New York.

He replied very promptly and very cordially that I could have an interview with him at any time, but he said, to save me the trouble of coming to New York, if I would prepare a statement such as I would make to him orally, he would promise me that it would be treated as entirely confidential. I did prepare such a memorandum quite care-

fully, and I would not object to having it made a matter of testimony before the committee if it is now in existence. I do not know whether or not I have a copy.

The CHAIRMAN. What was the character of the memorandum which you gave him?

Mr. BAILEY. I have not read it since, although I retained a copy of it and possibly have it yet. If I have, I should not object at all to presenting it here. But as I remember it, it was a statement of the very confused condition in which the work of the commission was. We were steadily running behind in our work. We were not able to map out the work in such a way as to expedite it, and there were a good many things occurring which disturbed me in my mind. I thought I should like to talk with Mr. Roosevelt about it, because I knew him to be a foremost civil-service reformer; I particularly knew that he was a very warm personal friend of the president of the commission, and I believed that anything which I said to him would not be used to the detriment of the service, but would be to its advantage.

Now, it is barely possible that what Mr. Procter has in mind is something that came out of that memorandum. I have no doubt, as it had occurred at that time, that I may have mentioned the fifteen steel inspectors who were appointed without examination.

The CHAIRMAN. What did you mention to him at that time in addition to the fifteen steel inspectors?

Mr. BAILEY. My recollection is that the memorandum was a mere recital of the confused condition of the work.

Senator HARRIS. It seems to me that if Mr. Bailey has a copy of the communication he might present it some time. It is hardly worth while to guess at what it contained.

The CHAIRMAN. Yes, Mr. Bailey, if you have a copy you can present it.

Mr. BAILEY. I will ascertain whether I have a copy. I think I have, but I am not sure of it.

Mr. PROCTER. About that time you had also submitted to the President of the United States an application for the position of chief examiner?

Mr. BAILEY. No, sir; I did not.

Mr. PROCTER. Was it later?

Mr. BAILEY. I have never put in such an application.

Mr. PROCTER. Did your friends?

Mr. BAILEY. I do not think that even my friends ever presented my name for that position. They have not to my knowledge. I certainly have never authorized anyone to ask for the position.

I will state further that when the position was made vacant by the death of Chief Examiner Webster, I, who had ranked next to him always from the time I entered the office, and had always been acting chief examiner during his absence, became acting chief examiner. I absolutely took no steps whatever to secure the nomination. I did not, according to the best of my knowledge and belief, see any persons of influence or seek their aid, and I did not ask anyone to see the President. I did not speak to one of the Civil Service Commissioners, except that one of the Commissioners had made a statement to some one in the office in reference to me, which I felt I ought to contradict, and I simply stated to him that he had been misinformed in that respect. I did not solicit his assistance to secure the place, nor did I ask anyone to assist me, nor did I apply for the place.

TESTIMONY OF JOHN R. PROCTER.

JOHN R. PROCTER, being duly sworn, testified as follows:

The CHAIRMAN. What position do you occupy now?

Mr. PROCTER. Commissioner of the Civil Service.

The CHAIRMAN. We will be glad to hear any statement you may care to make in reference to the civil-service law?

Mr. PROCTER. I wish first, Mr. Chairman, to take up the evidence of Mr. Bailey.

The CHAIRMAN. Very well.

Mr. PROCTER. I have prepared a brief statement, to which I will add.

As Mr. Bailey, one of the clerks of the commission, in his testimony has made some suggestions which he thinks will lead to improved methods at the commission, and has criticised some of the present methods of transacting business at the office, I desire to make an explanation which may assist your honorable committee in judging as to the value of his statements.

Most of the suggestions which he has made to your committee are simply repetitions of those which have at various times been considered by the commission. Some of them have been rejected, some have been adopted with modifications, while others are under consideration. They are matters entirely within the province of the commission, and yet they are now presented to your committee by one of the clerks of the commission after they have been considered by the commission itself. I venture to say that if disappointed clerks throughout the Departments were all privileged to come before Congressional committees and air their grievances because of their disappointments or because some of their pet plans or impracticable suggestions had not been adopted by their superior officers, there would have to be a large increase in the number of Senators and Congressmen to provide committees to grant hearings to such employees.

While the commission has learned from experience to attach but little value to Mr. Bailey's views—and here I wish to state that I consider Mr. Bailey as conscientious and honorable a man as I know, but I consider him lacking in administrative experience. It is highly to his credit that he is a minister of the gospel, and that he preaches upon the streets and to the poor people of Washington, but it is not——

The CHAIRMAN. I suggest that I think it is entirely improper for you to make statements personal in their character.

Mr. PROCTER. I am not making any personal references. I am speaking of Mr. Bailey's experience in administrative matters.

The CHAIRMAN. We do not care whether he preaches on the streets, in a synagogue, or elsewhere.

Mr. PROCTER. I am not speaking of it to his discredit. I am speaking of it to his credit.

The CHAIRMAN. It is to the credit of anyone.

Mr. PROCTER. It is to the credit of anyone.

The CHAIRMAN. And it is immaterial to us.

Senator HARRIS. It seems to me it has no place in this examination.

Mr. PROCTER. While the commission has learned from experience to attach but little value to Mr. Bailey's views, yet as your committee has no knowledge of the commission's experience in this respect, I wish to make a statement bearing upon the matters discussed by him.

In the first place, he suggests a classification of employees according to duties, a suggestion which has been brought to the attention of the commission by various officials, but which is regarded as a matter for the consideration of Congress and the heads of Departments. It may be remembered that Comissioner Harlow a few days ago, in answer to a question by Senator Elkins, referred to the need of a more equitable arrangement of salaries, based upon the importance of the duties performed, but of course it is not a question for the action of the commission.

Mr. Bailey suggests different grade examinations. His work at the commission is and has been purely clerical, and does not in any way relate to the preparation or rating of examination papers. The commission is fully satisfied with the manner in which the examining work is done, and there appears to be no need to enter into a discussion of Mr. Bailey's suggestion, which has at various times been before the commission.

He suggests that eligibles be permitted to renew their eligibility for at least three years upon filing new applications. This is a matter that is under consideration at the commission. Such an extension of the period of eligibility, if deemed advisable, can be done only by the President by an amendment to the civil-service rules.

Another suggestion is that the applications of applicants be canceled when sufficiently faulty in execution and the applicants be barred from examination. The commission dismissed this suggestion when it was first made. The principal difficulty is with the applications of those for minor positions, where little education it required; but the commission believes it more equitable to call the attention of such applicants to the mistakes made by them in filling out their applications than to deny them the right of examination because of such mistakes. If this course were pursued, it would simply result in applicants forwarding their applications to some of the so-called civil-service schools or institutes for review before sending them to the commission, and the commission would be unable to determine whether the work of filling out the application blanks was the work of applicants or not. There is comparatively little work in returning defective application papers, and the proposition to rate them for the purpose of rejection on account of mistakes in filling them out was not seriously considered.

Another suggestion is that the names of eligibles be entered on the registers twice a year—on the 1st of January and the 1st of July. This suggestion was made to the commission and was unanimously rejected. The practice is to enter the names on the registers as fast as possible after the papers are marked, and not hold them up for weeks or months, as proposed. The commission is not aware of a single case where an attempt has ever been made to delay the rating of papers or to delay the entering of names on the eligible registers for the purpose of furthering the interests of persons whose names were already on such registers.

The suggestion that all of the registers of the commission be open, and that printed lists of eligibles be prepared, was considered by the commission and was unanimously disapproved.

Mr. Bailey also makes some criticism of the methods of the commission. He has stated that the correspondence of the commission is scattered all over the office and handled in a most unsatisfactory manner; that there is a want of uniformity in replying to letters and long delays in finding old letters. In regard to this matter, it may be stated that in

the early years of the commission, when the force was small and there was little business to transact, there was no need of separate divisions in the office. At that time Mr. Bailey assisted in handling much of the correspondence. As the work of the commission increased many times and became more difficult and complicated with the extensions of the classified service, it was found necessary to establish separate divisions and to more clearly define the duties of each division.

This rearrangement of work relieves Mr. Bailey of nearly all of the correspondence which he formerly handled. Now all matters relating to applications are attended to in the application division, all matters relating to examinations are handled in the examining division, while the certification division prepares all correspondence relating to certifications, and the service records division answers questions relating to records of employees in the service. This work is now done systematically and in a much more satisfactory manner than formerly. As to the statement that there are delays in finding letters, I am in a position to speak from knowledge and experience, as in the course of business I am continually calling for old letters and files, and they are brought from the various divisions without unnecessary delay. In fact, I have often been surprised at the little time required to find old files and correspondence in response to my requests. I ask permission to read some communications from the chiefs of the divisions of the commission bearing on this point.

Here is a letter from the chief of the service division and the secretary of the commission:

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., January 22, 1898.

SIR: In response to your oral request for a statement of the method of dealing with correspondence in the secretary's office, I would state that the method pursued is the most simple and thorough known to modern business. It is similar to that in use in the largest business establishments and those departments of the Government which keep abreast of the progress in the outside world.

The business of the commission largely consists of correspondence, and, except where the matter is purely routine, an examination of records or a report from some official is required before an answer can be made. This correspondence constitutes the stock of business of the commission in its dealings with the various agencies of the Government and outside individuals for all time. It is a vital necessity therefore that the system should be readily responsive to varying needs. The principal business of corporations and commercial establishments relates to current matters that are at once disposed of; and an examination of old records or of precedents is rarely required. On the other hand, much of the work of the commission is judicial in its nature, requiring the utmost impartiality and the sternest regard for fact and for justice. The action of the commission is based on the papers in each case, which are carefully preserved for reference, and detailed records are kept of its proceedings.

The practical methods are required to be such as to readily show in each instance that the action taken proceeded according to fixed regulations and in rigid conformity to the rules. Few cases of any importance are decided without a reference to the previous history of the matter, and a brief of the points raised for consideration, with a discussion of precedents. It is absolutely essential, therefore, that all

important letters should be indexed both by the name and address of the writer and by the subject to which the letters relate. This is done by the card system, and enables all letters from any Department, office, board of examiners, corporation, or individual, and all letters on any particular subject, irrespective of the author or source from which received, to be instantly found. Thus precedents are accessible on every subject and the decisions made with close regard to all previous action. The brief card puts the paper under action at once, so that a reply may be made as speedily as possible, and also enables the letter to be traced if necessary.

In illustration of the promptness and thoroughness of the system pursued in the secretary's office, it may be stated that the opening of the mail is begun each morning before 8 o'clock, and that the letters are assorted, indexed, and ready for action by the clerks in charge at 9 o'clock. The preparation of replies is at once begun, and the stenographers given a dictation either of an answer to the letter or of its reference to the commission for a decision upon the questions involved. If the answer must be delayed until decision by the commission or the ascertainment of information not at once available, an acknowledgment is made and the answer written as early thereafter as the due consideration of the case admits.

It has been the object to have as few separate records and files as possible. Duplication of entries is sought to be avoided, and places of record not multiplied except for imperative reasons. Several record divisions in one office tend to confusion, unless the subdivisions are natural and the boundaries plainly and definitely marked. Vagueness in any respect causes uncertainty where to search for papers and a loss of time. The system in the secretary's office, based upon the widest experience, has been commended by experts from some of the largest business institutions in the country. It is safe, judicious, and correct, and well adapted to the nature of the commission's business. It enables the correspondence to be disposed of with prompt thoroughness and with the least expenditure of labor. It insures the greatest possible degree of correctness and promptness.

Whatever errors and delays occur are due, not to the methods employed, but to the lack of a sufficient permanent clerical force.

The testimony of Mr. Bailey before the Senate committee in criticism of the business methods of the commission can have no just application to the work of the secretary's division.

Very respectfully, JOHN T. DOYLE,
Secretary.

Hon. JOHN R. PROCTER,
President Civil Service Commission.

The other letters are shorter. Here is one from Mr. Bunn, the chief of the application division.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., January 22, 1898.

SIR: I have the honor to acknowledge receipt of your request of this date, stating that it has been charged that the correspondence of this commission is scattered all over the office and handled in the most unsatisfactory manner; that there is a want of uniformity in the manner of replying to letters which is often embarrassing, and that there are long delays, the responsibility for which can not be located; that it is almost impossible to find an old letter which is needed for refer-

ence, because it is liable to be filed away in any one of half a dozen places, and that the system of filing is not uniform.

You ask me, as chief of the application division, to state whether this criticism is a proper one, as far as the work of my division is concerned.

In reply, I beg leave to say that such a criticism at this time is totally improper. Since this division was placed in my charge, in February, 1897, I have devoted considerable attention to the matter of correspondence, because the division handles probably two-thirds of all the correspondence for the office. The system in this division is in such good shape that I see no way whatever in which it can be improved, unless it could be called "improvement" to take three times the number of persons employed to look after it, and to adopt the cumbersome systems which have been in use in some of the Departments—for instance the Treasury, but which has just been abolished by that Department.

I know of no case in ten months in which this division has failed to find in its files any letter which should properly have been found therein.

Very respectfully,

PAUL V. BUNN,
Chief Application Division.

Hon. JOHN R. PROCTER,
President United States Civil Service Commission.

Mr. Bushby, the chief of the certification division, says:

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., January 24, 1898.

To the COMMISSION:

As orally directed by Commissioner Procter, I have the honor to submit herewith a statement in reply to certain criticisms recently made before the Senate investigating committee concerning the correspondence of the commission. The criticisms were as follows:

> I believe a correspondence division and a questions division should be established. At present the correspondence of the commission is scattered all over the office and handled in a most unsatisfactory manner. There is a want of uniformity in the manner of replying to letters, which is often embarrassing, and there are long delays, the responsibility for which can not be located. It is almost impossible to find an old letter which is needed for reference, because it is liable to be filed away in any one of a half dozen places, and the system of filing is not uniform.

So far as the work of the certification division is concerned, it is absolutely necessary for the expeditious dispatch of business that the correspondence relating to certifications should be filed in the certification division under the control of the chief of that division and easily accessible.

Since the certification division was organized in February, 1897, it has handled an aggregate of 15,000 letters. This correspondence has been handled in a most satisfactory manner, so far as can be ascertained, and there has been no extraordinary delay in replying to any letter received. In some cases it is necessary that matters be looked up before a reply can be made. In such cases two or three days may elapse before a reply can be made to the letter, but every effort is made to handle the mail promptly, and especially that known as Congressional mail. Requests for certification for appointment received from the Departments are, as a rule, handled and disposed of on the day on which they are received.

There is no point in the fact that there is no uniformity in the manner

of replying to letters. There are certain specific rules laid down for all correspondence. The body of the letter, of course, depends upon the subject and the manner in which it is treated by the clerk who may have charge of that particular branch of the work, but in no case is it thought that there need be any embarrassment by reason of any difference in the verbiage of a letter so long as the subject-matter of the reply satisfies the matter of the letter to which it is in answer.

There is absolutely no delay in the handling of correspondence in the certification division which may be due to negligence or inefficiency There are delays which are bound to happen in the transaction of such a large amount of business with a small force of clerks.

There has been no difficulty in finding a letter according to the system of filing used in the certification division. If a letter is in the division it can be found easily, and quickly referred to. There is no reason why a letter should be in any one of a half-dozen places. The line of demarcation is well drawn. Matters relating to applications go to one division; matters relating to certifications go to another division; matters relating to the marking of papers to another division; matters relating to the service records to another division, and it is believed that there is less confusion in the mail handled by the commission than in many offices of larger size.

Very respectfully,

WM. R. BUSHBY,
Chief, Certification Division.

I will state that Mr. Bushby has had very good training in the admirable system of indexing correspondence in the War Department before he came to the commission.

The CHAIRMAN. I have directed the clerk to have all of these parties subpœnaed for examination before the committee.

Mr. PROCTER. Mr. Serven, the chief examiner, says:

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., January 24, 1898.

SIR: In response to your request, I have the honor to say that since the filing system was introduced, after the reorganization (which took place in February last), but little difficulty is experienced in handling and tracing the correspondence of this office. Occasionally trouble is had in locating letters, etc., which were handled prior to February, 1897, but under the system now in vogue it is an extremely rare case that is not readily traced, unless its inception dates back to the period prior to reorganization, the only question in such cases being to determine in which division the subject would properly be treated. Notwithstanding the tremendous volume of the commission's correspondence during the past ten months, the present system has resulted as satisfactorily, in my opinion, as any system it would be possible to adopt.

Very respectfully,

A. R. SERVEN,
Chief Examiner.

Hon. JOHN R. PROCTER,
President Civil Service Commission.

As to the suggestion that general regulations be adopted, it may be stated that the commission issues at regular intervals a pamphlet which contains all the necessary instructions and regulations relating to applications, examinations, and certifications, as well as other matters per-

taining to the commission's work. Those regulations are clear and specific. The commission is also preparing a digest of decisions and notes on the revised civil-service rules adopted May 6, 1896. It has not been practicable to prepare those notes and decisions before this time, because the commission has not deemed it advisable to adopt rigid regulations based upon the revised rules until experience had demonstrated to a sufficient extent what regulations would be the most reasonable and for the best interest of the many branches of the service affected by those rules.

In conclusion, I desire to say that the clerk who has made these suggestions and criticisms has done so with but little knowledge or experience as to the requirements of the service. He has discussed matters relating to applications, examinations, and certifications, notwithstanding the fact that those classes of work are in charge of others at the commission. He has criticised the methods of conducting the correspondence of the office after the commission found it advisable to relieve him of nearly all of this kind of work and assign it to others, by whom it is handled to the entire satisfaction of the commission. In other words, he has undertaken to survey the work of the commission as a whole, although his own work at the commission has necessarily been confined to very narrow limits on account of the superficial view that he takes of important questions, and because his suggestions are seldom the result of thorough knowledge and careful consideration of the matters discussed.

Mr. BAILEY. Who signs that paper?

Mr. PROCTER. It is my paper—John R. Procter.

The CHAIRMAN. What is the politics of Mr. Bailey?

Mr. PROCTER. I do not know. I will state that I do not know the politics of one-fourth of the force of the commission. I do not wish to know.

The CHAIRMAN. You say he was inefficient?

Mr. PROCTER. I did not say he was inefficient.

The CHAIRMAN. I understood you to say he was inefficient?

Mr. PROCTER. No, sir.

The CHAIRMAN. I thought you said you transferred him from some particular work because he was not capable of doing the work?

Mr. PROCTER. No; I consider Mr. Bailey in a good many lines very efficient, but I do not think he can handle the correspondence efficiently. That is, most of the complaints which Mr. Bailey made about the correspondence I believe could be applied to the commission when he had charge of the correspondence.

The CHAIRMAN. It is only in respect to the correspondence?

Mr. PROCTER. Because I found his division at that time to be a cul-de-sac, where correspondence did get lost and remained lost for quite a while.

The CHAIRMAN. You may proceed with your general statement.

Mr. PROCTER. I did not expect to be called this morning, and so I did not bring some papers which I should like to have here.

The CHAIRMAN. The committee will be compelled to adjourn in a few moments, and if you desire you can continue your testimony at some other time.

Mr. PROCTER. I would rather do so, because it will take some time to complete my testimony.

The subcommittee adjourned until Wednesday, January 26, 1898, at 10 o'clock a. m.

WEDNESDAY, *January 26, 1898.*

The subcommittee met at 11 o'clock a. m.

Present: Senator Pritchard, chairman; Hon. John R. Procter, president of the Civil Service Commission; Mr. E. D. Bailey and Mr. G. R. Wales, of the Civil Service Commission; Hon. William Dudley Foulke, of the National Civil Service Reform League; and Hon. H. M. Baker, acting president of the National Anti Civil Service League.

CIVIL SERVICE COMMISSION.

TESTIMONY OF E. D. BAILEY—Continued.

The CHAIRMAN. Mr. Bailey, I understand that you have with you the memorandum to which you referred the other day. You can submit it and have it incorporated in the testimony. I do not think it is necessary that you should read the memorandum, unless Mr. Procter desires to have it read. Do you desire to read it?

Mr. BAILEY. I am not at all particular. I will simply submit it. I might read the introduction to it.

The CHAIRMAN. Very well.

Mr. BAILEY. It is as follows:

Mr. CHAIRMAN: In accordance with your request I present a copy of the memorandum which I sent to Mr. Theodore Roosevelt, New York, on March 5, 1897. I knew Mr. Roosevelt was recognized as a foremost civil-service reformer, and I knew also that he was a warm personal friend of Mr. Procter, the president of the commission, and that he would make no use of my statements to the personal injury of the Commissioners or of the cause. I transmitted the memorandum with a brief personal letter, a copy of which I have not been able to find, in which I expressed the hope that in any reorganization which the President might deem it desirable to make Mr. Procter might be retained in his position.

The memorandum referred to is as follows:

The business of the commission is in the greatest confusion, and is becoming more and more demoralized for want of intelligent management. Requisitions remain unacted upon for months, and many complaints are made by the Departments of delays and annoyances detrimental to the service. In such cases, authority was given for temporary appointments under the emergency rule, and at the end of ninety days, no provision having been made to establish registers, such appointments were made permanent, although no rule exists permitting such action. Requisitions of this character probably cover several hundred places. Various requisitions of this sort were made for the Marine-Hospital Service, and in one batch thirty-two appointments were reported for which no authority existed, and the only excuse for which was the failure of the commission to provide registers. The Navy Department recently appointed fifteen steel inspectors, without examination or certification by the commission, and the Department has requested the commission to make the appointments regular by issuing certifications. No action on this request has yet been taken.

The engineer service at large has made requisitions to fill hundreds of places, and as yet provision has not been made to meet the demands. The same is true of the light-house service. The Navy Department requested certifications for draftsmen. An examination failed to supply eligibles, and the Department proceeded to fill the places without exami-

nation. The Department notified the commission that it would not delay public business to wait for examinations. No registers have yet been established. In one case, at least, oral permission was given to make an appointment in a classified place because there was no register. A number of appointments in the subtreasury at New York have been made since the classification without examination. No attempt has been made to meet the needs of the Ordnance Department. Irregularities and questionable appointments have been so numerous that the rules have almost lost their force, and the alleged law of necessity is regnant.

The adoption of new rules last May left the commission without any general regulations to govern the office details, and though new regulations were placed before the commission they were never adopted. The result is that a want of uniformity exists in all the business of the commission, and the greatest uncertainty prevails. The subordinates of the commission can not do their work with confidence, because all precedents, practices, and principles are abandoned, and new ones are substituted. No policy or line of action exists which can be relied upon, and contradictory action is frequent. The force of the commission has lost confidence in the ability of the management, and can do no more than to maintain existing conditions and await changes which are deemed to be inevitable. Work which needs attention is prepared for consideration, for want of which important action is delayed, and confusion results. The action taken lacks continuity, and the minutes of one day contradict those of another day. Action is taken, then amended, then revoked.

In explanation of this state of things, it should be stated that under the recent Administration four of the five officers of the commission were changed, bringing in new men who had not even the advantage of experience in the departmental service. Some of these new officers had views and prejudices which were unfavorable to the civil-service law and rules. They brought with them theories which were little less than hostile to the cause. But even with the best of purposes, their inexperience and unfamiliarity with the law, rules, and practices, and the needs of the public service, could not fail to prove disastrous. Under these conditions they adopted rules to classify in one lump 30,000 new offices and utterly failed to follow up the classification with provision to meet the needs of these services. They have commenced experiments which are open to grave doubt, and have unsettled all that years of experience have approved. The present condition is thoroughly alarming. All that has been gained by thirteen years of progress is now jeopardized, and disaster can be averted only by immediate remedial action.

At least three changes in the officers should be made at once, not for political reasons, but in the interests of the service. The mistake of the last Administration in exchanging tried men of experience and ability for new men without experience, with no civil-service record, should not be repeated. Men should be selected at this crisis who are thoroughly acquainted with the needs of the service, who know the law, and have had experience in its execution. New men, however honest and willing, if they are unfamiliar with the work, will be at great disadvantage. A splendid opportunity exists to bring order out of confusion and forever establish the merit system as a part of our public service, but the men who undertake the task should bring to the work absolute integrity, the loftiest patriotism, tried business capacity, and actual experience. If the present administration takes prompt and

wise action it will avert disaster; otherwise, the whole system will get in a tangle, the enemies of civil service reform will discover the situation, public business will suffer, and the gravest disasters will follow.

March 5, 1897.

The CHAIRMAN. Mr. Procter, before you commence your statement to-day I desire to state that Senator Lodge is exceedingly anxious to be present when you give the concluding part of your testimony. There are some matters which he desires to draw out in connection with your testimony, and we will proceed only with your examination in chief to-day. Mr. Bailey has just submitted the memorandum to which he referred the other day, and in submitting it he has made a statement. Mr. Bailey, you can read the statement again, as Mr. Procter was not present when you read it a few moments ago.

Mr. BAILEY. Would Mr. Procter like to hear the whole memorandum read?

Mr. PROCTER. Let me see the memorandum. [The memorandum and statement were handed.] I will just glance at the papers. It will save the time of reading.

Mr. BAILEY. Then I will read an additional statement, which I have not yet read, and let Mr. Procter look at the others.

The CHAIRMAN. Have you another statement?

Mr. BAILEY. I have a short statement in addition, pertaining to the other matter.

The CHAIRMAN. If it is not very lengthy we can hear it.

Mr. BAILEY. No, sir; it is very short. It is as follows:

Mr. CHAIRMAN: I ask permission to refer briefly to the amazing and unaccountable personal attack upon me which was read here by Mr. Procter, president of the Civil Service Commission, at the last session of this committee, in which he attempted to belittle my personal qualifications by alleging that I was incompetent for the responsible duties of the important position which I have held in the Civil Service Commission for more than ten years, covering a period about three times as long as his own term of office, and in which he further endeavored to asperse my motives by picturing me as a disappointed clerk with a grievance to air in a city where for fourteen years I have endeavored to live in public and private on a high plane of sincere and unselfish devotion to duty, with the highest regard for the public welfare.

I addressed a polite note to Mr. Procter, asking him to kindly furnish me with a copy of the paper which he read, but he has not shown me the courtesy of a reply, and hence I am not prepared to-day to refute in detail the allegations made by him. Unless, however, vindication comes from another source, I may ask your honorable committee to hear the testimoney of gentlemen whose opportunities enable them to judge of my qualifications and whose integrity will not permit them to knowingly misstate facts.

The CHAIRMAN. Under the rules we can not permit you to make a statement at this time. Mr. Procter is on the witness stand, and it would be irregular to have you interject a statement at this particular juncture. I desire to say that the committee will give you ample time to submit any statement you desire to make in respect to this matter, and will hear any witnesses that you may have to offer.

Mr. PROCTER. May I ask Mr. Bailey one or two questions?

The CHAIRMAN. Yes, sir; but we do not want to go into a regular examination now, because it would be irregular. You can ask him any question you desire.

Mr. PROCTER. This memorandum, you say, was sent to Mr. Roosevelt.

Mr. BAILEY. It was sent to Mr. Roosevelt.

Mr. PROCTER. In March?

Mr. BAILEY. March 5, 1897.

Mr. PROCTER. Copies were also sent, were they not, to certain Senators?

Mr. BAILEY. No, sir; no copy was sent to any person, and to the best of my knowledge and belief no person had any knowledge either of the fact that I had written to Mr. Roosevelt or of the contents of the memorandum.

Mr. PROCTER. But there were copies given to other persons?

Mr. BAILEY. No, sir; there were no copies given to anyone. That is absolutely true. I do not think any person in the world, except my wife and Mr. Roosevelt, ever knew that I wrote to Mr. Roosevelt. I do not think any person in the world received from me any hint of the contents of that document, and certainly no copy of it.

The CHAIRMAN. Is there anything else, Mr. Procter?

Mr. PROCTER. Mr. Bailey, friends of yours, about the time this paper was sent to Mr. Roosevelt, made application in your behalf that you should be appointed a Civil Service Commissioner?

Mr. BAILEY. The papers stated, and I also heard it from another source, that Congressman Walker, of Worcester, Mass., from which city I come, had been before the President and had suggested my name for the position of Civil Service Commissioner. So far as I know that is all that has been said or done in that connection.

Mr. PROCTER. That is all, Mr. Chairman.

The CHAIRMAN. You can stand aside, Mr. Bailey.

TESTIMONY OF JOHN R. PROCTER—Continued.

The CHAIRMAN. Now, Mr. Procter, we can hear your statement in chief. We can go along until the Senate meets.

Mr. PROCTER. Mr. Chairman, it is not necessary to burden your committee with a mass of details. Statements have been made that the order of the President of May 6, 1896, classifying some 30,000 places, was a leap in the dark, and that the commission had not prepared for this extension. I have here the papers and correspondence leading up to that order, showing that the chief examiner, Major Webster, requested the commission as early as the 10th of January, and possibly sooner, to detail Mr. De Land, who has had large experience in the Treasury Department and on the commission's force, to prepare statements as to the scope of the extensions. Such statements were prepared after very painstaking investigations, and they were submitted to the President of the United States, and, through him, to members of the Cabinet. These statements show, as far as it was possible to determine, what places would be included, what excepted places would be removed from the excepted class, and the entire scope of the order of May 6. That order was promulgated on May 6, and a detailed statement of the number of places included in the order was published broadcast on the following day. The Associated Press on May 7 sent out dispatches showing the scope of that order to nearly all the papers of the United States.

The commission had at that time about 30,000 names upon the eligible registers, and the letters to the various departments are here [exhibit-

ing letter books], showing to what extent the commission was prepared to meet requisitions for filling positions in such vacancies as might come in the many places brought into the classified service by the May 6th order, and also requesting the departments to indicate what character of examinations might be required by the departments for those positions where it might be deemed inadvisable to appoint from the existing registers. It was not a leap in the dark, but it was a carefully-considered extension such as the commission believed was contemplated by the original law. I read a clause from the thirteenth report:

As a preliminary step to the contemplated extension, the President had directed the commission to make a revision and codification of the rules. It developed that this was a task of much difficulty, requiring careful study and frequent consultation with the heads of the departments.

I may state that that direction by the President was made some time in 1895, when the commission consisted of Commissioners Lyman, Roosevelt, and Procter, and the general scope of the extension was determined upon as early as 1895, I think. The rules previously had been a growth. Separate sets of rules had been made for departmental service, the postal service, the customs service, the railway-mail service, the Indian service, the internal-revenue service, the Government printing service, and also what were termed general rules. As a result, there was considerable confusion and difficulty, particularly where new officers came into the charge of Departments and bureaus, to understand the rules as they had grown up from time to time, and it was to simplify and codify those rules that the President gave the order that he wished the rules simplified and codified prior to any general extension of the classification. The two most difficult problems to handle had been classified prior to the May 6 order. The internal-revenue service was classified, with the exception of deputy collectors, as early as November, I think. Mr. Wales, have you the date of the classification of the internal-revenue service?

Mr. WALES (examining). It was in May, 1895.

Mr. PROCTER. The commission soon found that a mistake had been made, in its opinion, in not extending the classification to deputy collectors of internal revenue, and brought this matter to the attention of the President in a letter which I will read. It is dated December 31, 1894. Mr. Wales, you were mistaken in placing the classification in May, 1895. It must have been May, 1894.

The CHAIRMAN. The record Mr. Wales has before him shows that it was in May, 1895.

Mr. PROCTER. I think that was a mistake.

Mr. WALES. This copy shows that it was in 1895.

Mr. PROCTER. If you will look at the thirteenth report I think you will find that it was in 1894.

Mr. WALES (examining). It was under discussion in November, 1894.

Mr. PROCTER. This letter is dated December 31, 1894, and is as follows:

DECEMBER 31, 1894.

The PRESIDENT.

SIR: In reference to the recent classification of a portion of the internal-revenue service under the civil-service rules, the commission begs to invite attention to the following considerations why the entire service should be classified. As the classification now stands one-fourth of the positions in the service, comprising the places of deputy collectors, are excluded from the terms of the classification, and the commission

is strongly of the view that these places should also be classified, and only such deputies as the President may from time to time deem expedient be excepted from examination. Very many of the positions of deputies left unclassified are precisely those most important to put into the classified list. The commission has found from experience that it is a real harm, with results which are far reaching in the damage they do, to have in any classified office or service a large number of positions in reality left under the domain of the spoilsman. There are two great evils which always result if in any office or service there is such an unduly large proportion of nonclassified or excepted places, especially where they are in higher grade than those covered by competitive examination. These evils are, first, that it is impossible to get as good a class of men to enter the examinations.

The best men are deterred if they feel that they are cut off from rising by promotion to the better places. Second, when so many positions are filled by political influence, when the men filling them are, as they generally are, active working politicians, there is invariably a tendency to put the rest of the force likewise under political influences. Men are appointed or removed for political reasons. Even less worthy motives have often great weight in appointments to and removals from these excepted or nonclassified positions; for where the civil-service law does not cover positions, appointments are often dictated not from motives that are political, but from motives that are personal and corrupt, and one of the great benefits that will come from the extension of the classification to the internal-revenue service is the elimination of just such motives. From its experience in the customs service the commission is fully convinced of the unwisdom of making a classification which shall be in any sense elastic—that is, where by the action of any executive officer below the President the scope of the application of the rules can be expanded or contracted. It is possible that under the scheme of the classification adopted for the internal-revenue service, by merely increasing the number of deputies or by changing the designation of any position from clerk to deputy, much of the benefit of the classification in the remaining places, even so far as the rules extend, will be lost. A large number of the deputies are merely clerks, who are made deputies for the purpose of allowing them to administer oaths, etc.

The recommendation for the classification of the deputies is made to prevent the classification from being largely nugatory in its effects; and it is better not to classify a service or an office than to make a classification which is in large part merely nominal, and which therefore tends to bring the law into disrepute. When classified, the list of excepted places can be made to include those few deputies who occupy a position of fiduciary trust, for whom the collector is under bond.

It is further recommended that this be done at once, as it will greatly simplify the commission's work in holding the initial examinations.

Great embarrassment will be experienced until the commission knows whether the deputies are or are not to be classified. If not, while very much and indeed perhaps most of the benefit of the classification of the service will be lost, the commission can still prepare registers of eligibles, but it earnestly hopes that the deputies will be classified. If this is done, a much more symmetrical and satisfactory scheme of examinations will be possible.

We beg to add, that after full and careful consultation with internal-revenue officers who are specially familiar with the needs of the service, our conviction is strongly confirmed that nothing would so much tend to benefit the internal-revenue service as the classification of the depu-

ties. Should there be a change of Administration while the internal-revenue force is classified as at present, the most important and most attractive places in the service will still be left to be distributed according to the dictates of partisan greed or personal corruption. The pressure for places in the internal-revenue service will all be concentrated upon these deputies, and a clean sweep would be made; and when a clean sweep is made in one part, the remaining force is certain to be demoralized, and it may be largely changed in the manner pointed out in the letter of Mr. French Tipton, a prominent and reputable citizen of Kentucky who is competent to speak from a full knowledge of the subject. A copy of this letter is inclosed.

Very respectfully,

JOHN R. PROCTER,
CHAS. LYMAN,
THEO. ROOSEVELT,
Commissioners.

The CHAIRMAN. To whom was the letter addressed?

Mr. PROCTER. To the President of the United States.

The CHAIRMAN. In this connection, if it will not disturb you, I should like to ask a question. What position did the President at that time take in respect to the classification of deputy collectors?

Mr. PROCTER. The President was of the opinion that the deputy collectors ought to be classified, and specific exceptions made upon the recommendation of the Commissioner of Internal Revenue.

The CHAIRMAN. I ask you whether it is not a fact that the President insisted that the field deputies, and all who were working outside of the office, should not be classified?

Mr. PROCTER. I do not think it is. I do not think that was his view.

The CHAIRMAN. I ask you whether that was not really the way the order was formulated at the commencement?

Mr. PROCTER. I do not think it was, Mr. Chairman. I do not remember that it was so. It was the opinion of the Commissioner of Internal Revenue that field deputies should be excluded. It was the opinion at that time, I think, of the Commissioner of Internal Revenue that certain deputies occupying independent offices should be excluded from the classification, but the commission thought, and I think the President thought, it would be better to classify all and make specific exceptions.

The CHAIRMAN. It is the opinion of the present Commissioner of Internal Revenue that the deputies should be excluded?

Mr. PROCTER. The present Commissioner?

The CHAIRMAN. Yes.

Mr. PROCTER. I think it is. I am not sure.

The CHAIRMAN. Is it not likewise the opinion of Secretary Gage?

Mr. PROCTER. I think it is. I do not think it is the opinion of Mr. Miller, who served eight years as Commissioner.

The CHAIRMAN. How long has Mr. George W. Wilson been deputy commissioner of internal revenue; how long has he served?

Mr. PROCTER. I do not know.

The CHAIRMAN. He has served something like twelve years?

Mr. PROCTER. Yes.

The CHAIRMAN. I ask you whether it is not his opinion that deputy collectors should be excepted?

Mr. PROCTER. I think it is.

The CHAIRMAN. I think we had better adjourn. It is only ten minutes until the Senate convenes. We will meet at 10 o'clock Friday, at

which time I hope Senator Lodge will be present. He is anxious to be here before your testimony is concluded.

Mr. PROCTER. May I take up the ten minutes on points which were brought out the other day, by Mr. Bailey, intimating that there was intimidation?

The CHAIRMAN. Yes; we shall be glad to hear anything you may have to say.

In the first place, Mr. Bailey testified that you had stated to him that I had had subpœnaed only those who were antagonistic to civil-service reform. I should like to hear you first with respect to that statement.

Mr. PROCTER. I will say, Mr. Chairman, that I had in my possession at the time a duplicate copy of the paper which Mr. Bailey presented this morning. I had it in my possession a long time. It came from a Senator of the United States. I did not know who the author of the paper was until Mr. Bailey gave his first evidence. I was satisfied then that it was Mr. Bailey; that he was the author of the paper. I had known that at the same time when this paper was passed around among Senators and was made the basis of an attack on the Civil Service Commission Mr. Bailey was an applicant for a position as commissioner.

I sent for Mr. Bailey and told him that he had been summoned not at the instance of the commission; I did not tell him so, but I supposed at the instance of some of the Senators who had seen that paper. I furthermore told him that hitherto nobody had been summoned at the instance of the committee, or I may have said at the instance of the chairman, except persons who had complaints to make against the operation of the civil-service law.

I did not tell him, because I did not deem it necessary, that in a conference with this committee at the outset I had expressed a desire that everybody who had a complaint to make against the Civil Service Commission or the operation of the law should have the fullest opportunity to state his complaint, and that after those complaints were all in I should request that people be summoned who had had large experience in important positions in the Government in the operation of the law, men who could speak not regarding mere details or complaints of clerks who had been demoted or removed, but who would speak of the broader principles embodied in the law.

I told Mr. Bailey I wished that anybody on the commission's force who had any knowledge of any wrongdoings would state all the facts, but that there was a line to be drawn between statement of facts and giving opinions which would criticise the Administration or criticise heads of Departments or the action of the President.

With respect to the statement he made as to what the chief examiner said to him, I happen to know that what the chief examiner said had no reference whatever to any testimony given by Mr. Bailey, but it was in line with instructions which the commission had given the chief examiner several times during the past year, that no references should come to the commission through the chief examiner when he was in the city which did not bear his signature. That day I happened to call him through the telephone, and said there was a reference based on a letter of the secretary of our board in the New York custom-house with which I could not agree; I had submitted it also to Commissioner Harlow, and he could not agree with it. We agreed with what the secretary had recommended. He replied that he did not agree with it either, and we asked him then why did it come before the commission. He said it was sent down by Mr. Bailey. He was then requested to

come to the commissioners' room and was told by Major Harlow that the previous instruction given to him must be adhered to; that he must inform Mr. Bailey that he must not send papers down when the chief examiner was in the city. The chief examiner is here and can verify that statement.

I have not read these letters [exhibiting]. I have not had an opportunity. But you will remember—I will call your attention to the fact—that even in Mr. Bailey's testimony whatever was said to him by the chief examiner was in response to questions which Mr. Bailey asked. He asked his opinions as to what the commission thought. I had expressed to the chief examiner, and Major Harlow had so expressed himself, the opinion that we did not consider Mr. Bailey's criticisms of the action of the commission, of the action of heads of Departments, of the action of the President as pertinent; that Mr. Bailey was not in a position where his criticisms could be of value, because he only saw, as a general thing, the minutes of the commission, and did not see the correspondence; that he knew little of the consultations with the heads of the Departments and the information which was before the commission on which the action of the commission was predicated. Therefore, his opinions were worth no more than the opinions of any other clerk in the office who might happen to see the minutes.

The CHAIRMAN. The fact that Mr. Bailey was a witness, though, would justify him in answering any question the committee might see proper to propound to him. If I understand it, you say you have had no difficulty in having the committee bring before it any witness you desired to have examined?

Mr. PROCTER. None whatever. The committee have had summoned every witness I have requested.

The CHAIRMAN. I desire to state that of my own volition I have not had a single witness summoned. I have merely had those summoned whose names were suggested. For instance, a gentleman from Kentucky called this morning. He is Senator Deboe's private secretary. I never saw him before. He said he desired to make a statement. I told him we would consider the matter later on. That is the way a good deal of this testimony has been secured—simply by people voluntarily coming forward and making statements.

Mr. PROCTER. I think I represent the commission when I say we hope that any man who has a grievance will be given a full opportunity to air it.

The CHAIRMAN. I know Mr. Rice felt that way, because he wrote me a very nice letter when he retired, thanking me for the courtesy I had shown him and the commission also. [To Mr. Bailey.] Do you desire to ask Mr. Procter any questions about this matter? It is a matter between Mr. Procter and yourself, and if you desire to ask him any questions you are at liberty to do so.

Mr. BAILEY. Mr. Chairman, I think I will wait until I have his statement covering the whole case.

Mr. PROCTER. I should like to say that when Mr. Bailey asked me for the statements, although he had no right to ask for them, as I looked at it, I had none of the statements in my possession, because I had filed them all with the stenographer. I told the chief examiner that if he had copies of any of those statements he might show them to Mr. Bailey.

The CHAIRMAN (to Mr. Bailey). I can give you a copy of the evidence, so that you can read the statements.

The subcommittee adjourned until Friday, January 28, 1898, at 10 o'clock a. m.

SATURDAY, *January 29, 1898.*

The subcommittee met at 10 o'clock a. m.

Present: Senators Pritchard (chairman) and Lodge, Hon. John R. Procter, president of the Civil Service Commission, Mr. E. D. Bailey and Mr. G. R. Wales, of the Civil Service Commission, and Hon. H. M. Baker, acting president of the National Anti Civil Service League.

TREASURY DEPARTMENT.

INTERNAL-REVENUE SERVICE.

TESTIMONY OF WILL H. LYONS.

WILL H. LYONS being duly sworn, testified as follows:

The CHAIRMAN. Where do you reside?

Mr. LYONS. At Bellevue, Campbell County, Ky. My post-office is Newport, Bellevue having no post-office.

The CHAIRMAN. What is your present occupation?

Mr. LYONS. I am secretary to Senator Deboe, and have been since he was elected.

The CHAIRMAN. I understand that you desire to make a statement to the committee with respect to the operation of the civil-service law in the internal-revenue service.

Mr. LYONS. Yes; I was a gauger in the internal-revenue service. I served there some twenty months. I served until I got ready to resign. I resigned at a time after the Democratic collector had come in. When I tendered my resignation I was assured by the deputy collector that I had considerable time to serve yet; that they liked me and would keep me as long as they would keep any Republican. I resigned, however, and became a candidate for the legislature, and although it was a Democratic district I was elected.

The CHAIRMAN. Please confine your statement to the subject under examination.

Mr. LYONS. This is in connection with it, of course. I took an examination for gauger, I think on the 21st of last March, whatever the day was, at Covington, Ky. While I always considered myself, and was so considered by the collector, as a competent gauger, I failed in that examination under the rules of the Civil Service Commission.

The CHAIRMAN. How long had you acted as gauger prior to that time?

Mr. LYONS. About twenty months.

The CHAIRMAN. What was the character of the examination submitted to you?

Mr. LYONS. As to the character of the examination submitted, perhaps I could come nearer to that by reading you a letter. I will read that later. First, there was an examination in certain arithmetical questions. There was also an examination on elementary physics pertaining to gauging. That was on the same paper, and counted in marking an average with the other subject. There was also an examination in spelling, and there was an examination in copying—copying a letter from plain copy. As I said, I failed in that examination according to the rules or the application of the rules of the Civil Service Commission. I addressed a letter on the subject. I think the letter was

addressed to Mr. McKeon, secretary of the civil-service board at Covington, Ky. He evidently referred my letter to Mr. Procter, and I received this in reply:

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., October 15, 1897.

Mr. W. H. LYONS, *Newport, Ky.*
(Through the secretary internal-revenue board, Covington, Ky.)

SIR: In reply to your letter of October 6, referred to this office by Secretary James McKeon, you are informed that it is not the practice of the commission to give out the averages attained by competitors upon the different subjects of an examination. Since you attained an average of only 67.65 and are therefore ineligible for appointment it is thought that you should be given the benefit of the ratings upon the different sheets of your examination, and they are as follows: Spelling, 95; practical arithmetic and elementary physics pertaining to gauging, 71.67; letter writing, 80; penmanship, 69; copying from plain copy, 10; your rating on the last-named subject being due to your almost entire disregard, so far as making an exact copy thereof was concerned, of the subject-matter set before you.

By direction of the commission.

JOHN R. PROCTER, *President.*
W. R. B.

I wish to say that so far as copying a letter from plain copy is concerned, there is no time at which a gauger or a storekeeper or anybody holding a position of that kind in the internal-revenue service would ever be called on to perform that sort of work. There is no more reason why a storekeeper or gauger should be required to copy a letter from plain copy than there is why a candidate for holy orders should be required to be a proficient in a skirt dance.

I am glad Mr. Procter has come into the committee room. While Mr. Procter signed this letter, I do not think he knew anything about what that thing is on which he is, or endeavored to be, so severe when he says:

> Your rating on the last-named subject being due to your almost entire disregard, so far as making an exact copy thereof was concerned, of the subject-matter set before you.

I was given the letter to copy. There was not a word in it that was misspelled. Every word was spelled properly, to the best of my recollection, and I believe it is correct. There was not a word omitted or added and I believe that the letter was properly indented. The sole variation that I made in that letter was on punctuation and on punctuation only. My ideas of punctuation were different from those of the Civil Service Commission and I did not copy it plainly.

Now, it is very evident to me, whether to the committee or not, that either the rule was unfairly applied or the rule is very unfair. I certainly was entitled to some rating on copying. They say that on penmanship I was entitled to 69. If I was entitled to 69 on other things I probably was entitled to 69 on that. The handwriting was no worse, possibly no better. I certainly was entitled to something on spelling. I believe the spelling was absolutely correct. I certainly was entitled to something on other things. But simply under their rules they managed to cut my percentage down to 10 on that lesson, and that only on punctuation, and that in a matter a gauger or storekeeper has no use for at all, and never will have.

So far as the handwriting was concerned, the penmanship being merely 69, it struck me as being a little peculiar that, 70 being the passing average, they had managed on a thing that is a matter of opinion and is not capable of exact demonstration, to cut my handwriting down to 69, 70 being the passing average.

It is possible, however, that there was something else. There was a sheet given me to answer questions on, and among others the question was asked me, "If you are appointed to this position, how long do you propose to remain in the Government service?" My reply was, "Just so long as I am properly treated and the compensation is satisfactory." Possibly that was a little too independent for a man who wanted to hold a Government position.

I believe this is all now that I want to state.

The CHAIRMAN. Did they submit any practical questions to you bearing on gauging?

Mr. LYONS. No; there was no question asked in regard to gauging.

The CHAIRMAN. For instance, did they ask you how to gauge a cask?

Mr. LYONS. No, sir; no question of that sort was asked. The only question that was asked in regard to that was elementary physics and as to the construction and use of the hydrometer and thermometer.

I wish to say, further, that in nearly every instance the men who passed the examinations with good ratings were very young fellows fresh from school or were school-teachers, while the practical men, men who had served as gaugers and storekeepers, passed with a low average. There is one instance I can cite, that of Mr. Louis Geisbuer, who was the best storekeeper in the Sixth district of Kentucky, the only man who was thought capable of keeping the books at the Petersburg distillery. He had three examinations. One of them he passed by the skin of his teeth, and on two he failed.

The CHAIRMAN. You say you had served for twenty months as a gauger?

Mr. LYONS. Yes, sir; for twenty months.

The CHAIRMAN. Were the reports that you submitted to the commissioner returned to you for correction during that time?

Mr. LYONS. There were two or three reports returned to me for correction. One report was returned to me for correction that I will state, to show how strict the Government is in such matters. I had some 90 barrels of whisky that was dumped, as they term it, at a rectifying house, and, if I recollect rightly, I made on those 90 barrels in addition an error of ten-one hundredths of a gallon. That report was returned to me for correction, and was corrected.

The CHAIRMAN. How many reports do you think you made during that period?

Mr. LYONS. I made a daily report. I was there for twenty months.

The CHAIRMAN. I mean reports involving the question of gauging, which you sent up.

Mr. LYONS. The gauger makes a report involving the question of gauging daily. He makes a report of the day's work, whether it is one or more barrels that he gauges. I was employed in the revenue service for twenty months, say five hundred days at a rough estimate, and I probably made 500 reports, one report for each day that I was employed there. It would run according to the distillery I was located at. During the summer when I was in Harrison County sometimes I would have only 1 barrel a day. At other times when I was at the Petersburg distillery where the work was heavy I would run 100 barrels a day.

Mr. PROCTER. May I read that letter?

Mr. LYONS. Yes, sir; that is your letter. (The letter was handed.)

The CHAIRMAN. Have you stated all you desire to say?

Mr. LYONS. Well, there is one other thing that came to me. I can not speak of it personally.

The CHAIRMAN. You can only state such facts as have come within your knowledge.

Mr. LYONS. Then I have nothing more to say, but I am ready to answer any questions.

The CHAIRMAN. Mr. Procter, do you want to ask Mr. Lyons any questions?

Mr. PROCTER. This letter is not signed by me except by a stamp, but I assume the responsibility of it.

Mr. LYONS. Yes; you assume the responsibility. Then you do not know anything about that letter yourself?

Mr. PROCTER. No.

Mr. LYONS. I thought not, because I did not think you would have written it that way if you had.

Mr. PROCTER. No; but at the same time I would have informed you—but I think you understood that—that you have, under the rules, the right to make an appeal from the markings of the commission.

Mr. LYONS. I was not so informed when I wrote in regard to it.

Mr. PROCTER. It is in the book of instructions, and if you thought you had been marked too low for penmanship——

The CHAIRMAN. In this connection, Mr. Procter, let me ask if there is any limit to the time within which an applicant may make an appeal.

Mr. PROCTER. I think there is some limit, but I can not now state it.

Mr. LYONS. I should like to state, if you will allow me to interrupt you a moment, that I am not a candidate for the position of gauger. I occupy a very much better position.

Mr. PROCTER. I understand.

Mr. LYONS. And fill it acceptably.

Mr. PROCTER. You stated that you got 69 on penmanship?

Mr. LYONS. Yes; on penmanship.

Mr. PROCTER. But your full average does not depend upon your not getting 70 on any one subject. It is summed up in a total.

Mr. LYONS. I know that.

Mr. PROCTER. In the book of instructions, and also in the sheet for plain copying, is printed in italicised letters the following: "Make an exact written copy of the following." It says an exact copy.

Mr. LYONS. Yes.

Mr. PROCTER. You are aware of the fact, are you not, that that is to test the applicant as to whether he will obey absolute instructions. You have just stated that you gave your own punctuation. In this direction you will see that you were not called upon to correct the copy, but to make an exact copy.

Mr. LYONS. Yes.

Mr. PROCTER. And that is one of the tests which the internal-revenue service insists shall be given.

Mr. LYONS. In what?

Mr. PROCTER. In the examination. In copying from rough draft did you notice that you were informed that in that you must correct it? There are two parts of the examination, one to see whether an applicant can obey exact instructions, and the other to see whether he will correct the matter. You are aware, therefore, that your failure——

The CHAIRMAN. I suggest that you just ask the question.

Mr. PROCTER. Very well. Are you then not aware that your failure came not so much from what you did as from not obeying the italicized instructions at the head of your examination sheet?

Mr. LYONS. I am aware of that since receiving your letter, but I did not so understand it at the time. I wish to say further that, so far as obeying instructions in the revenue department is concerned, a man in the revenue department is under very strict orders from the Commissioner and from the collector, and he must obey them or be punished. If he makes any error in regard to his gauging, he has to pay for it. If he makes an error against the Government in failing to collect the appropriate amount of tax, he pays the Government out of his own pocket the $1.10 per gallon. If, on the other hand, he makes a mistake against the distiller, and the Government collects too much, the Government keeps that money and the gauger pays the distiller $1.10 per gallon. He is very careful not to make mistakes which cost him $1.10 a gallon.

Mr. PROCTER. Are you aware of the fact that this is the examination requested by the experts in the internal-revenue department?

Mr. LYONS. I am not.

Mr. PROCTER. Are you aware of the fact that if the internal-revenue department had requested the commission to make experience a part of the examination that that would have been done?

Mr. LYONS. I do not know whether it would or not. You will have to answer that question yourself. You know what your relations with them are, and as to the manner of phrasing this thing.

Mr. PROCTER. Do not gaugers have to make out returns?

Mr. LYONS. Yes, sir.

Mr. PROCTER. And therefore do you not think that copying from plain copy and copying from a rough draft would properly test an applicant for the position of gauger?

Mr. LYONS. Not in the least. They copy nothing. They originate, and originate only; and they must have it absolutely correct or pay the penalty, either in punishment or in cash, which is punishment.

Mr. PROCTER. Are you aware of the fact that under the classification a gauger or a storekeeper may be made a clerk in the office, and that as such he would be required to do clerical work?

Mr. LYONS. A gauger or storekeeper may be made a clerk in the office, but under the old system, before the civil service came in, he never was appointed to that unless he was a competent gauger or storekeeper and also known to the collector to be competent for service in the office. He must be competent in both lines, not merely in a scholastic examination.

Mr. PROCTER. May I ask you if in the State of Kentucky the internal-revenue service has not been to a large measure, under all Administrations, a political service?

Mr. LYONS. My understanding is, and has been at all times, that the Sixth district of Kentucky, in which I served, stood away at the top of the list as to efficiency. If men were appointed for political service, they were efficient both politically and as Government officers.

Mr. PROCTER. That is all I want to ask Mr. Lyons.

Senator LODGE. I should like to ask one question in this connection from the Civil Service Commission. Is the same weight given to copying that is given to arithmetic and physics in this examination?

Mr. LYONS. No; it is not. I remember that very well; but the same weight is given——

Mr. PROCTER. It is 1 out of 20, according to my recollection.

Mr. LYONS. I think Mr. Procter will bear me out in the statement that under the arrangement they make in regard to copying, the amount of penalties that can be inflicted are very far in excess of the amount of credits you can obtain, and the letter addressed to me is the best proof of that.

Senator LODGE. Mr. Procter, how much does copying count in the examination?

Mr. PROCTER. The copying counts 10 per cent of the total, and that includes both copying from plain copy and rough draft. The elementary physics pertaining to gauging is 20 per cent of the total.

Senator LODGE. And the rest?

Mr. PROCTER. Practical arithmetic is 40 per cent. That would be 60 per cent, and——

Mr. LYONS. Yes; and I want to say that while I consider myself competent in arithmetic, I did not do myself justice that day.

Senator LODGE. What percentage did you get on arithmetic and physics?

Mr. LYONS. On arithmetic and physics 71.67, one and two-thirds above the amount necessary for the passing average, and I did not do myself justice.

Senator LODGE. How much did you get on spelling?

Mr. LYONS. Ninety-five per cent. I misspelled one word, and I am not sure yet that it was not spelled that way when I went to school.

Senator LODGE. Mr. Procter, how much does spelling count for?

Mr. PROCTER. Spelling counts 5 per cent.

Senator LODGE. One-half of what copying from plain copy and rough draft counts?

Mr. PROCTER. But, you see, Mr. Lyons got only 10 in copying from plain copy.

Mr. LYONS. Yes; solely on the question of punctuation.

Mr. PROCTER. Simply because he did not obey instructions.

Mr. LYONS. I should like to ask Mr. Procter, the Civil Service Commissioner, a question.

Mr. PROCTER. I will be on the stand, I think, very soon, but I do not object to answering any question.

Mr. LYONS. What I want to ask you is whether you, as a practical man, do not think that in regard to your system of marking for copying from plain copy the punishments for failure to make a copy are far in excess of the rewards for making it?

Mr. PROCTER. No; I think that that is a very excellent test. It is to ascertain whether a man will obey instructions and is able to make an exact copy. He must copy mistakes as well as the correct portion of the letter.

Mr. LYONS. That may be very well for theory, but you do not understand the internal-revenue service.

Mr. PROCTER. Oh, no.

Mr. LYONS. I say I have been there.

Mr. PROCTER. The stenographer there will not correct my sentences when I give my evidence. He will copy exactly what I say. That is what is intended in that examination by requiring an exact copy.

Mr. LYONS. Well, I say there was nothing to indicate that that was the intention.

The CHAIRMAN. It is your idea that, inasmuch as a gauger has no copying to do, those questions should not be submitted?

Mr. LYONS. Those questions should not be submitted at all. They have nothing to do with it, and never will have, and can not have under any circumstances. The examination is not practical.

Senator LODGE. At whose suggestion, Mr. Commissioner, was this requirement as to copying put in the examination?

Mr. PROCTER. The character and scope of the examination was dictated by the internal-revenue service in the Treasury Department.

Senator LODGE. Not by the commission, but by the internal-revenue service?

Mr. PROCTER. By the internal-revenue service to the commission; and the commission would make any alterations in the examinations which the internal-revenue service believed would be for the benefit of the service.

CIVIL SERVICE COMMISSION.

TESTIMONY OF JOHN R. PROCTER—Continued.

INTERNAL-REVENUE SERVICE.

The CHAIRMAN. You can proceed with your statement, Mr. Procter.

Mr. PROCTER. Mr. Chairman, I believe when I left the stand I was giving evidence respecting the application of the civil-service rules to the internal-revenue service.

The CHAIRMAN. Yes, sir.

Mr. PROCTER. I read a letter, I believe, from Commissioners Roosevelt, Lyman, and Procter to the President giving the views of the commission, as then constituted, on the advisability of classifying that service.

The CHAIRMAN. That letter appears in the evidence.

Mr. PROCTER. The commission realized that it entailed an enormous amount of work in taking on this service, and that it would meet with violent opposition, because it is a service which has been used more in influencing political conventions throughout the United States than possibly any other service. But it was believed that nothing would be more useful than to put that service on the same basis on which the postal, the railway mail, the customs, and other services had been placed by the application of the civil-service rules.

As early as 1869, the former Secretary of the Interior, Mr J. D. Cox, called attention to the fact that during the Administration of President Johnson a condition of things existed in this service which rivaled "the most corrupt era that can be found in the history of any nation. Men were known to offer $5,000 for the influence which might secure an appointment to a gauger's situation in the revenue service"——

The CHAIRMAN. What are you reading from?

Mr. PROCTER. From the then Secretary of the Interior, Mr. Cox.

The CHAIRMAN. All right; proceed.

Mr. PROCTER. I wish to say that I do not propose to quote from anything except the official utterances of persons in the service of the Government.

The CHAIRMAN. That is entirely proper, but it would not be proper to quote from private individuals.

Mr. PROCTER. The quotation I wish to make from J. D. Cox, in 1869, when Secretary of the Interior, is as follows:

"During Mr. Johnson's Administration * * * a condition of things existed which rivals the most corrupt era that can be found in the history of any nation. Men were known to offer $5,000 for the influence which might secure an appointment to a gauger's situation in

the revenue service; there $1,500 was the limit of the pay that could be honestly earned, and when it was morally certain that the advent of a new Administration would terminate the employment within a year. This is simply a type of similar transactions extending through many grades of the public service."

Senator LODGE. That was the language of General Cox, of Ohio?

Mr. PROCTER. Yes, sir; Mr. Boutwell, who was afterwards Secretary of the Treasury, stated in 1868, as follows:

"This policy, as yet acted upon in part, and developed chiefly in the civil service, has already produced evils which threaten the overthrow of the Government. When he removed faithful public officers"—

He was speaking of President Johnson—

"and appointed others whose only claim to consideration was their unreasoning devotion to his interest and unhesitating obedience to his will, they compensated themselves for this devotion and this obedience by frauds upon the revenue and by crimes against the laws of the land. Hence it has happened that in the internal-revenue service alone—chiefly through the corruption of men whom he has thus appointed—the losses have amounted to not less than twenty-five and probably to more than fifty million dollars during the last two years."

Mr. BAKER. Is that an official report?

Senator LODGE. It is from Secretary Boutwell.

Mr. BAKER. Is it an official utterance?

Mr. PROCTER. I am quoting only official utterances.

The CHAIRMAN. I suggest that that deals with the revenue service when it was entirely different from what it now is, and when it cost ten times as much to collect the internal revenue as it does now.

Mr. PROCTER. I am coming to the service at a later time.

The CHAIRMAN. We want to deal with it as it is now.

Mr. PROCTER. The gentleman who prosecuted the whisky frauds, ex-Senator Henderson of Missouri, is authority for the statement, and this comes down later than the statement of Secretary Boutwell that the whisky frauds cost the Government of the United States at least $75,000,000.

When the application of the civil-service law of 1883 was under discussion attention was called to the condition of the service and to the fact that it was more important to extend that law to the service outside of Washington than it was to make it first applicable only to the service in Washington. Senator Beck called attention to this in the following language:

"These poor, subordinate clerks in the Departments have never been important political factors, notwithstanding all the fuss made about them. The men in the great custom-houses at New York and elsewhere, the men in the internal-revenue department, the men all over the country in the post-offices, are the principal political emissaries."

To this Senator Vance added:

"The number of storekeepers and gaugers and special deputies and deputy collectors is very great and their function is very important. They come into immediate contact with the people in the execution of the laws. Many of them in the country where I come from are ignorant of their duties, and are corruptly minded not to properly perform them, and there is more need of reform in that part of the service, I beg leave to say to the Senate, than there is in any other portion of the inferior offices of the United States."

Senator Vance then introduced an amendment to make the original law include the internal-revenue service. It was opposed on the

ground that the law should proceed gradually. At that time it was also contended by Senator Hawley that the time might come (it might be a millennial time) when this could be made applicable. It was also contended in the Senate that the deputy collectors were bonded directly to the collectors, and the original law under which the internal-revenue service was inaugurated gave to the collector the absolute right to appoint his deputies and pay them out of his percentage of what he collected. But notwithstanding this, the amendment failed in the Senate by only one vote.

I believe all of the three Commissioners at that time had personal knowledge of the internal-revenue service throughout the country. I, myself, having been for many years connected with the Kentucky Geological Survey, knew the internal-revenue service all over that State; and I know from personal observation that it was used by both parties as a political machine; that the men were appointed, not by the collectors, but through the influence of the persons who secured the collectors their appointment.

The CHAIRMAN. In this connection, if it will not interrupt you, I should like to ask you a question. Is it not a fact that during Mr. Cleveland's Administration the appointments were made in the same way in Kentucky?

Mr. PROCTER. Certainly.

The CHAIRMAN. So that when the blanket of the civil service was thrown over the internal-revenue service it found the service composed entirely of Democrats, did it not?

Mr. PROCTER. Unquestionably.

The CHAIRMAN. Proceed with your statement.

Mr. PROCTER. I knew that the people who desired to be appointed as deputy collectors very rarely had their applications made out and sent to the collector, but to the Congressman or the political organization through which the appointment of the collector had been secured, and that it had been urged by collectors that they did not have the appointment of their own deputies. The investigations made by the Commission after the classification bore this out. I have consulted with collectors of internal revenue from all over the United States, and I would say that at least 75 per cent of the collectors with whom I have consulted have informed me that they were forced by political considerations to appoint people as deputy collectors who were incompetent for their work and different from the character of men they would have appointed if they had been left free.

The CHAIRMAN. Have you a copy of a statement from collectors in writing to the effect that they had been appointing incompetent men?

Mr. PROCTER. No; I have it not in writing. I said I had consulted them. I can bring several collectors here if you wish to summon them. I know of one collector who, when the income-tax law was passed, said that he wished to resign, and he gave as a reason when the Commissioner of Internal Revenue urged him not to resign that he did not like to assume the additional responsibility because he had had deputy collectors forced upon him in whom he had little confidence. I would call attention to the fact that this statement is borne out by the testimony of Mr. Walser from the internal-revenue district of western North Carolina, on page 396 of the present hearing.

It is demonstrated by the debates in Congress that it was the intention of Congress to put all the service of the United States on a nonpolitical and nonpartisan basis. It can not be questioned that this service prior to the extension and classification was on a political and partisan

basis. Mr. Walser stated in his evidence, in answer to my question, that he did not think it was possible to put the service on a nonpartisan basis. The internal-revenue service of the United States is very similar to the service of Great Britain. More than two-thirds of the income of the British Government comes from internal revenue. The character of that service is shown by the report made by Mr. Eaton, who investigated the British service, and who was at the time Civil Service Commissioner, which report was adopted by the Pendleton-Hawley committee. Mr. Eaton states that—

"By reason of the stability of its tenure, the long experience it secures, and its independence of elections and politics, the board is able to pursue a firm and consistent policy and to enforce a rigid discipline."

* * * * * * *

"Promotions are for merit. In certain parts of the service they are based on examinations, and in other parts on official records kept in the offices, and, almost without exception, all the higher places are filled from those below."

* * * * * * *

"Year after year, through elections following elections, during one administration and then into the next, without change of method or members, the work of the department advances steadily upon business principles."

* * * * * * *

"It is universally believed to be efficient and without corruption or political bias. I could hear of no reports that revenues were not properly collected or accounted for."

Then it is stated that during the past twenty-four years in no case has the revenue service lost anything.

The CHAIRMAN. The collectors of internal revenue are under the civil service in Great Britain?

Mr. PROCTER. Yes, sir. The position is filled entirely by promotion from the lower grades.

The CHAIRMAN. The English have an entirely different system.

Mr. PROCTER. Of course, the facts will be varying until this service has been under the rules during at least two Administrations, and is put upon the same nonpartisan basis as the Railway Mail Service and other services that have passed through changes of Administration. But the last Commissioner of Internal Revenue, Mr. Miller, who served for eight years, says, in his last annual report (the report of 1897):

"I desire to call special attention to the marked improvement of the service in the field since the classification under the civil-service law of the various employees in that branch of the service. This is especially noticeable in those districts in which there has heretofore been a disposition on the part of subordinate employees to enter into collusion with persons engaged in the illicit manufacture and sale of distilled spirits.

"Under the old order of things the subordinate employee looked forward to nothing better than his employment at a small compensation during the period of his assignment to duty at a distillery. As a result he frequently became careless in the discharge of his duties, and in some cases sought to increase his income by actual collusion with the distiller to whose premises he was assigned, such collusion having for its object the defrauding of the Government of its revenues.

"Under present conditions the employee has learned that a serious infraction of his duty renders him liable to peremptory dismissal from

the service, and that without any hope of reemployment. He has also learned that a strict compliance on his part with the law and regulations will place him in the line of promotion and enable him to be advanced to the higher grades of the service.

"In the districts referred to the improved condition of the service is evidenced by the greatly decreased number of complaints filed with this office, and, also, by the largely increased receipts from penalties imposed for violations of the law and regulations."

Mr. Walser in his testimony stated that distillers would always greatly prefer that the deputy collectors and the storekeepers and gaugers should be of the same politics with the Administration, and he reiterated that statement when I called it to his attention in the cross-examination.

The internal-revenue service was classified December 12, 1894. You asked me whether the Deputy Commissioner of Internal Revenue had agreed with the commission as to the propriety of classifying deputy collectors. The commission had a number of conferences with the Commissioner, at which the Deputy Commissioner was present. It is my impression that if he did not agree to the propriety and advisability of this classification, he did not urge objection to it. It was certainly understood that there were certain deputies occupying independent positions, and certain deputies in each office who handled directly the money, who should properly be excepted by order of the President, and both Commissioner Miller and Deputy Commissioner Wilson were of that opinion.

The CHAIRMAN. I also asked you as to his opinion now, after having tried the matter, after having had a test. What is his opinion now in regard to it?

Mr. PROCTER. I think his opinion is that deputy collectors ought to be excepted.

The CHAIRMAN. Does he not say to you that it is almost impossible to execute the law owing to the fact that they are hampered by the order which brings them within the classified service?

Mr. PROCTER. But we understand fully that there is no difficulty in executing the law, except where the appointing officer wishes to get his own men, regardless of the rules.

The CHAIRMAN. That is not exactly responsive to the question I ask. Has he not stated that they were having great difficulty in the execution of the law in consequence of being hampered by these rules?

Mr. PROCTER. I say he did; and I think he understands as well as the commission does that this comes from the fact that new collectors, being of opposite politics from the force, wish a change in the complexion of the force. The commission is aware that when the classification was extended over the internal-revenue service it had been filled with men of one political party, many of them men who were incompetent to perform the duties to which they were assigned. There is nothing in the rules. The merit system is based upon the principle that incompetent men should not be kept in the service, but their places should be filled by competent men who should be tested in open competitive examination, free to all.

WATCHMAN AND MESSENGER SERVICE.

The next service classified was the watchman and messenger service, November 2, 1894. The commission had frequently called attention to the necessity of classifying this service because there had been a tendency to increase the number. As showing the tendency of clerkships

to increase in number when not subject to competitive examination, I have here a comparative statement for the fiscal years ended June 30, 1884, and June 30, 1896, giving the decreases in classified clerkships and increases in the number of messengers and watchmen in the Treasury Department at Washington, as well as increases in the unclassified clerkships at the subtreasuries:

TREASURY AT WASHINGTON.

	1883-84.	1895-96.	Increase.	Per cent.
Classified clerks and copyists	1,725	1,533	*a* 142	*a* 8¼
Messengers	120	144	24	20
Watchmen (including officers of the watch)	88	105	17	19

SUBTREASURIES.

Unclassified clerks and copyists	76	122	46	60
Messengers	12	14	2	16⅔
Watchmen	31	34	3	10

a Decrease.

This shows that in the Treasury Department, where the clerks were classified, they decreased, and in the subtreasuries, where they were unclassified, they increased, in number.

The CHAIRMAN. You mean as to the total number employed?

Mr. PROCTER. Yes; the total number and the percentage. I will come to that after awhile. It will be noticed from these figures that in the Treasury Department at Washington, where the clerkships are subject to competitive examination, they have decreased in number, while there has been a considerable increase in the number of messengers and watchmen. In the subtreasuries, however, where the clerkships are not classified, they have increased 60 per cent in number, while there has been but a slight increase in the number of messengers and watchmen.

The CHAIRMAN. Do you think that is due to the fact that the clerks were inefficient in the subtreasuries?

Mr. PROCTER. Not at all.

From the best information I can gather, the increase in the watchman and messenger force in Washington for all the Departments for the period mentioned amounted to about 43 per cent. It is a well-known fact that before the classification of messengers and watchmen many women were appointed as messengers and watchmen who never did messenger and watchman work. The commission believed that that was not only detrimental to the public service, but that it was depriving persons who were competent to do messenger and watchman work of their just rights, and the commission recommended unanimously this extension to the President, which was done at the date I state.

CUSTOMS PORTS.

The next service classified on the same date was at customs ports having as many as 20 employees. Hitherto the classification had only included customs ports with 50 employees. That order included 23 customs ports. That was November 2, 1894.

The CHAIRMAN. How many officials were included in that classification?

Mr. PROCTER. I have the exact figures which I will substitute here. The number was 667 new places, and 860 places, by extending the classification to positions below $900. This extension was the result of changing the basis of classification in the customs service from a salary basis to a classification based on duty performed regardless of salary, and had been urged by the commission for some years.

The seventh report of the commission for the fiscal year ending June 30, 1890, says:

"The classification of the customs service has always been very imperfect. It has been classified by salary rather than by employment, and it has been possible to take the employees out of the classified grades by lowering their salaries or by changing their designations. Thus, at Burlington, Vt., at the beginning of the administration of the head of the office appointed by President Cleveland, there were twenty-one classified places subject to examination. At the time the rule concerning excepted plans was changed in March, 1888, there were only three. A similar course was followed at Port Huron, Mich., under the present administration. The system of classification permitting such a state of things should be abolished at once, and a more suitable one substituted therefor."

The tenth report for the year ending June 30, 1893, says:

"Another evil result is that a customs official is always tempted to have positions taken out of the classified service by having the salaries attached to them reduced. In this manner four years ago the collector at a frontier port was enabled practically to change his entire force; and within the last month the collector at another frontier port, in requesting the resignations of two of his employees, remarked that if they did not give them it wouldn't make any matter, for he would recommend to have their places abolished and would put in their stead three places each at a salary so low as to keep them beneath the classified service."

The commission called attention to the benefits of this change in the eleventh report, as follows:

"Another important action taken by the President recently has been the direction to the Secretary of the Treasury to reclassify the customs service so as to base the classification upon designation and duty, and not upon compensation, as has been the case heretofore. This revision of the customs classification brings it into harmony with the classification of all the other branches of the service in its form and substance, and classifies all employees who are not employed merely as workmen or laborers and persons appointed by the President. Previous to this revision the lower limit of classification was fixed at $900, and all persons receiving a compensation below that sum were excluded from the classified service."

This extension of the classification was asked for by the then Assistant Secretary of the Treasury, Charles S. Hamlin, who had direct charge of the collection of customs. He makes the following statement in a communication to the commission:

"As to the application of the civil-service rules to that branch of the Government service relating to customs, from the experience I have had in the Treasury Department during the past four years, I am of the opinion that there has resulted a saving to the Government of at least 25 per cent in cost. From the point of view of efficiency, I believe the saving has been greater."

A similar opinion is expressed by the present Assistant Secretary of the Treasury, William B. Howell, who has charge of the same branch of the work.

ENGINEER SERVICE.

On June 25, 1895, the classification was extended to engineers. The engineer service had been under noncompetitive examination since 1888, but it was found that persons who were not engineers, who had no proficiency as engineers, had been appointed through this system. This extension was made at the instance of the engineers themselves. A petition was presented by a large number of the engineers in person to the Civil Service Commission on February 27, 1895. It is very short:

The Honorable the Board of U. S. Civil Service Commissioners.

GENTLEMEN: We, the undersigned engineers, employed by the Government in the several Departments in the city of Washington, D. C., request your honorable body to place the engineers in the employ of the Government, and in charge of the machinery in the Department buildings, in the classified service.

We would give as reasons for the above request the following:

First. We claim a greater responsibility individually rests upon us and our profession than any other profession in the Departments. If a clerk makes an error, by the use of erasure he can correct the mistake, but if the engineer makes a mistake, the probabilities are the loss of life and the destruction of poperty follows.

Second. An engineer's duty is never done. He may be absent from the building, but he has to hold himself in readiness to report at any moment. He has to work every day in the year, Sundays and holidays included, and if excused from duty his fellow-engineers or his assistant has to perform his duty during his absence.

Third. He has no protection as he now stands under the civil-service rules.

We would respectfully recommend the following technical subjects for the examination of engineers: Stationary engines; boilers; elevators—hydraulic, steam, and electric; heating apparatus—hot water, steam, direct and indirect systems.

All the public buildings in the United States employ the above-mentioned systems for heating and hoisting.

We would also suggest and recommend that the firemen be placed in the classified service, and that the same protection be accorded them as to the engineers.

This petition was submitted to the President with a recommendation that the engineer force be classified. From the arguments used we thought that these men were entitled to the same protection that the civil-service law intended should be given to clerks, that they should not be removed for political reasons, and the classification was extended to them. The result has been most beneficial.

Last year the engineers from all over the United States met in Washington City. The president of the national organization requested a conference with the commission. At least 40 engineers, representing engineers from Portland, Oreg., to Portland, Me., and Galveston, Tex., came before the commission. I submitted to them the examinations which the commission had held for the engineer service in the United States, and asked them for criticisms. Those 40 men after a careful scrutiny of the questions and the examinations, said

that if there was any engineer in that room who could not pass the examination he ought not to be in the Government service; that they thought the examinations were practical and just such examinations as their organization would suggest. They furthermore said that they knew the engineers and the labor organizations in which the engineers were embraced throughout the Union were very much gratified that the engineer service had been placed upon a nonpartisan basis and a basis of merit.

Senator LODGE. The engineers you speak of who came to this city were not Government employees?

Mr. PROCTER. Very few of them were in the Government service.

AGRICULTURAL DEPARTMENT.

May 24, 1895, the chiefs of divisions in the Agricultural Department were removed from the excepted class. In the last report of the Secretary of Agriculture, Mr. Morton, he called attention to the beneficial results of this action.

BUREAU OF ANIMAL INDUSTRY.

On the same date the Bureau of Animal Industry was included.

The CHAIRMAN. Were the statisticians removed from the excepted places, or had they been included prior to that date?

Mr. PROCTER. I think they were removed from the places excepted on the same date, Mr. Chairman. On the same date the Bureau of Animal Industry was included. Secretary Morton, in his last report, showed that because of this classification and extension the Bureau was enabled to do an additional amount of work with a decreased force.

The last report, made for the year 1897, by Dr. Salmon, Chief of the Bureau, says:

"The meat-inspection force is now a very competent and efficient one. The inspectors and assistant inspectors are veterinarians, many of whom have passed a rigid examination under the Civil Service Commission, and the greater part of the nonprofessional members of the force have had such long experience that their services are extremely valuable. The persons obtained by certification from the eligible list of the Civil Service Commission have, as a rule, been more competent and efficient than those obtained before the force was brought within the classified service, and it has been possible to maintain much better discipline than was the case when a considerable proportion of the force believed that they had influence which made them more or less independent of the head of the Department and the Chief of the Bureau."

The CHAIRMAN. He refers to those employed in the Bureau of Animal Industry?

Mr. PROCTER. Only.

The present Secretary of Agriculture, Mr. Wilson, in his last annual report confirms this in the following language:

"The force now used in the inspection is competent and efficient, and it should be extended sufficiently to meet the intent of the law looking to the inspection of all the meat entering into interstate and foreign trade. The persons obtained by certification from the eligible list of the civil service, as a rule, have been more competent and efficient than those obtained before the force was brought within the classified service."

The CHAIRMAN. Is it not the opinion of the present Secretary of

Agriculture that statisticians employed in the different States should be excepted?

Mr. PROCTER. I think he has so stated.

The CHAIRMAN. Has he not also stated that private secretaries and chiefs of divisions should be excluded from the classified service?

Mr. PROCTER. I think he has. I will come to that point after awhile.

The CHAIRMAN. Do you know his views in regard to other special agents employed in the Agricultural Department, as to whether or not they should be excepted?

Mr. PROCTER. I do not.

The CHAIRMAN. Proceed.

GOVERNMENT PRINTING OFFICE.

Mr. PROCTER. August 1, 1895, the classification was extended to the Government Printing Office. The need of this had long been apparent, as shown by the official reports of committees of Congress, both of the House and the Senate. As early as 1860, when the bill to establish the Government Printing Office was under consideration, it was stated by Representative Gurley, of Ohio:

"The efforts of the spoilsmen of all parties have ever been to crush out the labors of those seeking a radical and genuine reform in that department. The mere partisan does not want the door of the Treasury closed against him just as he is about to lay hold of its keys; and as the printing spoils have been regarded as among the most valuable under the Government, mere politicians have always had a strong desire to retain them. The attempt to establish such an office as now proposed has been made without the least regard to party advantages, and I trust that no bill will pass either House establishing one that has even the smell of partisanship about it."

On July 15, 1870, after an investigation of the Government Printing Office, Senator Anthony, from the Senate Committee on Printing, made an elaborate report, from which I quote the following extract:

"The committee need not remind Senators how often applications for service in the Government Printing Office are made, not on the ground that the applicants are good printers, but on the ground that they are good Republicans. Among the grievances alleged by the complainants in the case before us is that, having rendered good service to the Republican party, they have been superseded by others of inferior political claims.

"However necessary it may be under our system of government to make political orthodoxy a test of office in the usual sense in which the word 'office' is employed, it must be plain that the introduction of that system into the mechanical service of the Government is fatal to efficiency, subordination, and responsibility."

In 1876, Mr. John L. Vance, from the Committee on Printing, made the following report:

"The internal management of the office over which he"

The Congressional Printer—

"presides is, if anything, still more deficient. * * * Men have been employed on account of their influence alone, while the testimony shows their complete unfitness to earn the wages they receive."

In 1888, Representative—now Senator—Gallinger, a member of the select committee, in his report (this is a good witness) stated:

"The Government Printing Office is a workshop. The only qualifications that should be demanded of the employees are honesty, integrity, and skill. It is no place for politics, and political considerations should have no influence whatever in the matter of appointments or dismissals."

In 1890 and 1891 the International Typograpical Union passed the following resolution:

"*Resolved*, That the International Typographical Union earnestly protests against the perpetuation of the spoils system in the management of the Government Printing Office, and insists that it be conducted, so far as the employment of skilled labor is concerned, on lines laid down by the Civil Service Commission."

Letters from various individuals were received advocating the classification of the Government Printing Office during 1892 and 1893, and on May 20, 1895, the Public Printer addressed a letter to the commission requesting an audience that he might present a committee representing a majority of the branches of printing executed in the Government Printing Office, and stating that the object of the committee was to request the commission to consider the practicability of including the working force of the Government Printing Office under the rules and regulations governing the civil service of the United States.

I will say that the commission had several conferences, I think, with the representatives of the Columbia Typographical Union prior to that nterview.

On May 22 the Public Printer appeared at the office of the commission with a committee of representatives of Columbia Typographical Union No. 101, Printing Pressmen's Union No. 1, Electrotype Molders and Finishers' Union No. 17, Stereotypers' Union No. 19, and Printing Pressman's Union No. 1. Resolutions were received from these bodies requesting that steps be taken to secure an interview with the President with a view to the classification of the Government Printing Office. The committee presented resolutions from other employees not within any trades organization. Several conferences were held between the commission and the committee of trades unions on the subject of examinations. These unions are all local branches. From the outside the commission received petitions urging the classification from the employees of the branch printing offices under the Post-Office Department at Boston, Chicago, and Brooklyn, and letters from various sources urging the classification.

On May 27 the commission received a letter from the secretary of the joint trades' committee requesting that an interview be arranged with the President of the United States. This was transmitted to the President, who, on June 1, directed the preparation of an order of classification.

The whole matter of the classification of the Government Printing Office is covered pretty thoroughly in the testimony given before the Senate committee, Senator Pritchard, chairman, Fifty-fifth Congress, first session, and in the accompanying Senate Document 22, same Congress.

Here is one of the hearings, to give an example. I do not suppose you wish me to take your time by reading it. It was a hearing held with the committee appointed by the local union, No. 4, of the International Brotherhood of Bookbinders. I simply brought it along as an example, if the committee wish to see it.

Mr. LODGE. Let it be inserted in the record.

The paper referred to is as follows:

Hearing before United States Civil Service Commission of committee of five members appointed by local union, No. 4, International Brotherhood of Bookbinders, to present the views of bookbinders in regard to the adoption of the civil-service rules in the bindery of the Government Printing Office.

JUNE 18, 1895.

There were present Commissioners Procter and Harlow and the members of the committee, Messrs. Briscoe Goodhart (chairman), R. R. Riddick, James Fogerty, Fred J. Schlick, and J. L. Feeney (secretary).

Mr. FEENEY. We desire to present the views of the bookbinders' union in the application of the civil-service rules to bookbinders in the Government Printing Office.

Commissioner PROCTER. If the rules are applied to the Printing Office the commission will make them a little more stringent than is required for admission to the union. No application for an examination for entrance into the Government service in a position which belongs to one of the recognized trades will be received from any applicant who has not served five years in the trade to which he belongs, one year of which service must have been rendered as a journeyman. This will be equal to four years' apprenticeship and one as journeyman.

Mr. FEENEY. If the word "apprentice" appears it will be satisfactory.

Commissioner PROCTER. No examination will be required for the persons who are already employed. If, upon a reduction of force, employees are "laid off" they will be eligible to be taken on again without examination, unless discharged for misconduct. If discharged because of reduction of force, or if they resign, they can get back without examination before the expiration of one year. The examination will be almost wholly practical and not scholastic.

Mr. FEENEY. Then, service of three years would not be treated as a trade?

Commissioner PROCTER. No.

Mr. FEENEY. Some branches of our trade are quite simple; I can teach some of them in a few months; but for the trade he must have served four years. He may have served ten years, and of those ten only four at a trade.

Commissioner PROCTER. A man who had merely swept the floor could not enter the examination. He must have worked at the trade.

Mr. FEENEY. Our trade is cut up into different branches. Each man has a different branch, such as rulers, forwarders, finishers; each is a trade in itself. The men, however, are familiar with the different branches. The specialties are taken up afterwards.

Commissioner PROCTER. No injustice will be done a man who has served an apprenticeship of four years, provided that a man will not be taken on without an apprenticeship. If the word "apprentice" is put in, it will be necessary. A man would have to be an apprentice to have worked at the trade.

Mr. FEENEY. Every binder has to apply for membership in our union,

and that is the only power we have over him. Upon an application for admission to the society we investigate his record and make a searching inquiry about him. If the office were under the civil-service rules, we would not have any such power over him.

Commissioner PROCTER. In the personal questions we would ask the man to answer about himself. That inquiry would be more searching than the one you require for admission to the union. If any of the statements should be false, he would be liable to dismissal from the service.

Mr. FEENEY. Would the union lose its power over the men employed in the bindery?

Commissioner PROCTER. I think it would in one sense. The civil-service rules can not recognize anything but the individual. The man who passes the examination and who has served his trade and is a skilled worker takes his chance for appointment with everybody else.

Mr. FEENEY. In case the man refuses to join our order, does not that mean a dissolution of our union?

Commissioner PROCTER. Not at all. Your organization is for the mutual advantage of the people who join it. Every man who joins it gets a certain advantage.

Mr. FEENEY. Would it not drive us away from the international organization by reducing our membership? It is not optional whether a man joins the order. Our constitution provides that a member can not work in a bindery where nonunion men are employed.

Commissioner PROCTER. Is it not true all skillful people want to join these unions? In all trades you will find men who abuse the privileges of labor organizations.

Mr. FEENEY. The bookbinders are thoroughly organized. Ninety-five per cent of the bookbinders throughout the country belong to the union. We have improved the trade in all great cities. We are proud of our organization.

Mr. FOGERTY. If our union did not exist, who would regulate the scale of prices and the amount of work a man should do?

Commissioner PROCTER. I think we will concede that the commission will put in the word "apprentice" instead of "journeyman," and will include a period of time that will cover all these different trades.

Mr. FOGERTY. I think we would object to a man who had served only three years as an apprentice.

Commissioner PROCTER. Suppose we make it three years as an apprenticeship and two years as a journeyman?

Mr. FOGERTY. A three years' clause, until last year, would have shut out a majority of the members of the union.

Commissioner PROCTER. This movement for the classification of the Government Printing Office comes from the employees themselves.

Mr. FOGERTY. Every Public Printer, at the end of a quarter, requests a deficiency appropriation. Instead of asking for a deficiency, could he make reductions in the force?

Commissioner PROCTER. The commission could not prevent such a reduction. I think, practically, the Public Printer would, in making appointments, always give preference to the reinstatement of former employees instead of taking new men.

Mr. FEENEY. What sort of practical examination would binders have to go through?

Commissioner PROCTER. I could not answer that offhand, because it would be a practical examination, to be got up after consulting the experts in the Government Printing Office.

Mr. FEENEY. The union formulates the scale of wages and the amount of work a man shall do in eight hours. The fear of the union is that they will lose that privilege. If a man should refuse to join the union, our constitution would require us to go out; we could not work with that man. Our organization is about four hundred membership, and they are not all confined to the Government Printing Office. No question is asked by the Public Printer as to membership in the union. They all come in after appointment.

Commissioner PROCTER. It is my impression that if the organization understood the proposition that five years' service at the particular trade would be required before taking the examinations, and that the trade organization would have the same influence with the Public Printer that it has now, there would be no objection to a classification of the bindery. The rules would not interfere with the trade organizations in the least, and, furthermore, the people in the service would not have to be examined.

Mr. FEENEY. Yes; they feared at first that the civil-service rules would be an injury to the union, but now they look upon them as a help to them.

Mr. PROCTER. The resolutions to which I have referred were taken before the President by the commission, and his attention was called to the fact that these people representing the various trades unions thought the same protection ought to be given that was accorded to the clerks in the Departments; that the statistics showed conclusively that since the application of the civil-service rules to the clerical force the dismissals had hardly amounted to over 3 or 4 per cent, while in the lower grades, below the classification, and in the Printing Office there was generally a clean sweep with a change of administration.

The President said that if these people wanted it, and if the commission thought they could institute practical examinations which would not be too scholastic, he believed the interest of the Government would be subserved and protection accorded these people at the same time, and he extended the classification.

I believe it was about as favorable a time, because of the complexion of the office, as could ever have been found to extend the classification.

A roster of the Government Printing Office was filed with the Commission at the date of classification, August 1, 1895, by the then Public Printer, Mr. Benedict. This roster gives the name of each person classified and the date of entrance into the Government Printing Office. In all, 2,710 persons were reported as classified. The Commission has made an examination of the date upon which each such classified person came into the Government Printing Office, and finds that out of the total of 2,710, making up the classified force August 1, 1895, 1,203 persons were appointed by Mr. Palmer during 1889, 1890, 1891, 1892, 1893, and 1894, or 44 per cent.

The CHAIRMAN. Is it not a fact that Mr. Palmer, after the election of 1892, made quite a number of appointments of Democrats in the Government Printing Office?

Mr. PROCTER. I think the records of his office will show that.

The CHAIRMAN. Did not Mr. Benedict, after he came in, find quite a number of men there in excess of the number required, and did he not dismiss Republicans?

Mr. PROCTER. I think that is true.

The CHAIRMAN. And Democrats were retained?

Mr. PROCTER. I will bring that out very fully.

Senator LODGE. Please repeat the dates.

Mr. PROCTER. In all, 2,710 persons were reported as classified. The commission has made an examination of the date upon which each such classified person came into the Government Printing Office, and finds that out of a total of 2,710, making up the classified force of August 1, 1895, 1,203 persons were appointed by Mr. Palmer during 1889, 1890, 1891, 1892, 1893, and 1894, or 44 per cent; 842 persons were appointed by Mr. Benedict during 1894 and 1895, or 31 per cent; 665 persons had served in the office over seven years, both under Mr. Palmer in 1889, 1890, 1891, 1892, 1893, and 1894, and under Mr. Benedict in 1894 and 1895, or 25 per cent; total, 2,710, or 100 per cent.

In other words, out of 2,710 persons classified, 1,868 persons, or 69 per cent, were either appointed by Mr. Palmer, the present Public Printer, or retained by him during the entire five years of his last term. Thus considerably more than two-thirds of the force classified August 1, 1895, was either the present Public Printer's personal selection during his former term or had been deemed worthy by him of continuance in the Government employ for the whole five years of that term.

The CHAIRMAN. You are dealing with Mr. Palmer's preferences and not with the politics of the individuals. You do not undertake to say what the politics of each individual was?

Mr. PROCTER. I do not undertake to give the politics of the individuals.

The CHAIRMAN. Do you not know that a recent poll of the Government Printing Office discloses the fact that out of 3,000 employees about 2,500 are Democrats?

Mr. PROCTER. As a fact, the commission took evidence on that point, and none of the statements of Mr. Palmer were substantiated by the evidence taken by the commission.

The CHAIRMAN. In other words, according to Mr. Palmer's statement, there are 2,500 Democrats and 500 Republicans in the Government Printing Office. Is that not true?

Mr. PROCTER. The evidence taken before the commission as to the complexion of employees in various rooms did not accord with Mr. Palmer's figures. Mr. Palmer had evidently classed all the women in the department as Democrats.

Senator LODGE. Mr. Commissioner, this subject rather interests me, as I am chairman of the Joint Committee on Printing. Have you the figures showing how many were appointed by Mr. Palmer after the 4th of March, 1893? You have given some dates. I thought you might have the others. Of the 1,800 how many were appointed by him after March 4, 1893?

Mr. PROCTER. I have not those figures, but I can get them very easily. We have the record.

The CHAIRMAN. About 600.

Senator LODGE. Can you remember approximately how many were appointed after that time?

Mr. PROCTER. I have only given you the appointments by years.

Senator LODGE. What I desire to ascertain is how many were appointed in each year.

Mr. PROCTER. I can very easily give you that information, but not from this paper.

Senator LODGE. Have you any remembrance as to how many were appointed from March 4, 1893, to the time of his removal?

Mr. PROCTER. By Mr. Benedict?

Senator LODGE. From March 4, 1893, to the time of Mr. Palmer's

removal, how many of the 1,800 whom Mr. Palmer either appointed or retained were appointed by him after Mr. Cleveland came in?

Mr. PROCTER. I think they amounted to something like 900, but that is from memory.

Senator LODGE. Nine hundred?

Mr. PROCTER. Yes, sir.

Senator LODGE. That would leave 900 whom he appointed while he was under the Republican administration?

Mr. PROCTER. No; the Democratic administration.

Senator LODGE. You said the total number appointed or kept was 1,800?

Mr. PROCTER. Yes, sir.

Senator LODGE. And if 900 were appointed——

Mr. PROCTER. I think it was 700 or 900.

Senator LODGE. Call it 900. If 900 were appointed by him after Mr. Cleveland came in, assuming those to be Democrats, there remained from 900 to 1,000 who were appointed by Mr. Palmer under President Harrison, or kept by him during that period. Is not that correct?

Mr. PROCTER. Yes.

Senator LODGE. That is what I wanted to ascertain.

Mr. PROCTER. I think I can answer your question better. From the best evidence the commission could gather from the printers who were examined, both Republican and Democratic, we found the political complexion of the office at the time Mr. Palmer came in to be about 45 per cent Republican to 55 per cent Democratic.

Senator LODGE. You mean when he came in the last time?

Mr. PROCTER. Yes. I think that is about the figure, but I can look it up for you.

The CHAIRMAN. Have you observed the rule in regard to the States' quota in the Government Printing Office?

Mr. PROCTER. Not strictly, but the commission has tried to bring up as far as possible the quota of the outside States by only allowing the printers who reside in Washington to enter the examination for temporary appointment when there is a force taken on to meet an emergency.

The CHAIRMAN. I understand there is only one man from my State on the eligible list. He has been there quite a year. Evidently my State has not had its full quota. Why is it that parties from my State have not been certified?

Mr. PROCTER. I can not tell you, Mr. Chairman, because the commission has very little to do with the certification; that is, it is under the chief of the division of certification, and it is made automatically.

The CHAIRMAN. Is it not the duty of the commission to see that the law is enforced with respect to apportionment among the States?

Mr. PROCTER. The apportionment, under the order of the President, has not been made applicable to the Bureau of Engraving and Printing or the Printing Office.

The CHAIRMAN. Do you not think it should be?

Mr. PROCTER. I think it should be.

The CHAIRMAN. What are your rules in regard to transferring individuals from the Government Printing Office to other Departments? In other words, is the Government Printing Office put on an equal footing in this respect with other Departments?

Mr. PROCTER. Not fully. [To Mr. Wales.] Give me the rule.

Mr. WALES. As to transfers?

Mr. PROCTER. As to transfers. A person can be transferred from

the Government Printing Office to another office only along the same line or character of work, and apportionment must be regarded in making transfers.

The CHAIRMAN. Do you regard the question of apportionment in making all transfers?

Mr. PROCTER. We do.

The CHAIRMAN. Is that the only exception? What exceptions are there to the general rule of transfer?

Mr. PROCTER. That and the Bureau of Engraving and Printing. I hold that transfers from the Government Printing Office should be made on the same basis that we make transfers from the local post-office in Washington.

The CHAIRMAN. How is that? What are the rules you observe in making those transfers?

Mr. PROCTER. You can transfer a clerk from the post-office on a non-competitive examination, if the State of which that clerk is a resident has not received more than its share under the apportionment.

The CHAIRMAN. To what class of work can you transfer him?

Mr. PROCTER. Any class; but in the Government Printing Office, under the rules, we can only transfer along the same lines of work. We can transfer a compositor or proof reader to one of the Departments where they require the work of a compositor or proof reader. We can transfer a pressman to a Department where they require a pressman. We can transfer a clerk from the Government Printing Office to a Department where they require the work of a clerk.

The CHAIRMAN. Suppose the compositor's examination should disclose the fact that he would make a competent clerk. In that event could you transfer him as a clerk to some other Department?

Mr. PROCTER. I think under the rules we could not.

The CHAIRMAN. It must be a like service?

Mr. PROCTER. A like service.

The rules have not been applicable in the Government Printing Office for a sufficient time to demonstrate to the fullest extent what economies will result from them, but we already know, I think, that a saving has been the result of the extension. Taking the last complete fiscal year when the Government Printing Office was under the old system, and the first complete fiscal year when it was under the present system, it is shown that the total amount expended for public printing during the fiscal year ending June 30, 1894 (see page 18 of the Public Printer's Report) was $3,940,410, the expenditure for labor being $2,894,304.38, or about 74 per cent of total amount expended.

The total amount expended during the fiscal year ending June 30, 1896 (see report, page 34), was $3,858,343.70, the expenditure for labor being $2,672,367.43, about 69 per cent of total amount expended.

These statements show a reduction of $82,066.41 in the total amount expended in 1896, notwithstanding the fact that not less than $75,000 had been added to the expenditures for public printing through the Public Printer in 1896 by the transfer to him of printing offices in several of the Departments, the increase of the pay of pressmen by law, the increase of the pay of other employees, and the establishment of the document division in the Union Building, etc.

It will be seen by reference to the Public Printer's reports for the years above referred to (see pages 54 and 81) that there were 37,759 more pages and 4,306,339 more copies printed in 1896 than in 1894 on documents ordered by Congress and on private orders. It will also be observed that in 1894 there were 100,502 pages printed on private orders,

while there were only 42,424 pages printed in 1896 on such orders. The pages printed on private orders cost from 50 to 80 per cent less than those printed for Congress, for the reason that there is no charge for composition, and because the numbers printed are much smaller, and these facts should be kept in mind when comparing the amount of work done during these two years.

On the basis of an increase of 10 per cent in the amount of work in 1896 (a conservative estimate), the Government saved, in comparison with 1894, over $475,000 during the year—$82,066.41 in reduced expenditure and $394,041 by increased production.

Senator LODGE. I desire to ask a question before you leave the matter of the Government Printing Office. The rule under which the Printing Office was classified says distinctly that no unskilled labor shall be classified.

Mr. PROCTER. Oh, yes; the rule.

Senator LODGE. It says no unskilled labor shall be classified, only skilled labor?

Mr. PROCTER. Yes.

Senator LODGE. The following classes of employees are designated as skilled laborers under the classification:

"*First group* (all skilled laborers).—Assistant doorkeepers, boxers, captains of watch, charge of charwomen, charge of counting room, charge of delivery room, charge of glue room, charge of gold sweepings, charge of helpers, charge of numbering, charge of piece sewers, charge of sewing machines, charge of stitching machines, charge of warehouse, counters, directresses, doorkeepers, examiners, feeders, firemen, floor hands (not mechanics), folders, gold workers, helpers, hoisters, hydraulic pressmen, knife grinders, leather cutters, leather parers, messengers, numberers, operators, paper cutters, perforators, sawyers, sewers, stablemen, telephone operator, wagon master, wagon messengers, watchmen, yard master."

While some of those are clearly skilled laborers, do you think assistant doorkeepers are skilled laborers?

Mr. PROCTER. I do not think that is a question for the commission to decide.

Senator LODGE. Who makes the classification?

Mr. PROCTER. The head of the Department, under the order of the President. The commission simply accepts the classification as made. The law and the rules——

Senator LODGE. Is the commission bound to accept the classification of the Department?

Mr. PROCTER. Unless it thinks that some violation of the President's order has been made. I think it would then be the duty of the commission to call the attention of the President to that violation.

The CHAIRMAN. Suppose they should include someone in the classified service when the law expressly prohibited his classification?

Senator LODGE. Suppose they included in the classified service somebody who had to be confirmed by the Senate?

Mr. PROCTER. I think it would be the duty of the commission to call the attention of the President to the fact.

Senator LODGE. Then equally is it not the duty of the commission to call the attention of the President to the fact that unskilled labor has been classified?

Mr. PROCTER. Yes, if the commission believes it is unskilled labor.

Senator LODGE. Are not some of the persons whom I have enumerated clearly unskilled laborers?

Mr. PROCTER. I can not give an opinion for the commission.

Senator LODGE. What is your own opinion?

Mr. PROCTER. I should think some of them were unskilled laborers, possibly.

Senator LODGE. I think some of them are clearly unskilled laborers. For instance, helpers. I understand from inquiries I have made that helpers are men who are employed simply to carry frames of type and to do work of that sort on the floor. Anybody in this room, who is physically able, could go there to-morrow and perform such work.

Mr. PROCTER. It has been brought to the attention of the commission that helpers acquire a great deal of skill, and that it costs the Government a certain amount to teach helpers, press feeders, and others——

Senator LODGE. I did not say press feeders. I said simply helpers. I have asked about those men and what they do. I suppose, of course, they could improve by practice, as anybody can at anything, but I think it is very clear that they are unskilled laborers, and I think a number of these are.

Mr. PROCTER (to Mr. Wales). Have you the order of the President classifying the Government Printing Office?

The CHAIRMAN. The law governs in cases like this. It says no unskilled labor shall be classified.

Mr. PROCTER. That is not exactly the law.

The CHAIRMAN. That is the substance of it.

Senator LODGE. Read the language. It is perfectly plain.

Mr. PROCTER. The language of the rule is very much plainer than the law. The language of the rule is absolute. The language of the law is indefinite.

Senator LODGE. Read it, if you please.

Mr. PROCTER. It is as follows:

"The classified service of the Government Printing Office shall include all persons employed in that office except those appointed by and with the advice and consent of the Senate, and unskilled laborers or workmen.

Senator LODGE. Precisely. Under that rule the office was classified. It seems to me very clear from the list I have read that a good deal of unskilled labor was improperly classified as skilled labor. I understand from you—you will correct me if I make a mistake—that all the Civil Service Commission can do is to call the attention of the President to it. You have no power to make a reclassification?

Mr. PROCTER. None whatever.

Senator LODGE. Has the Public Printer the power to make a reclassification?

Mr. PROCTER. The Public Printer has no power to make a reclassification, but he has the power to call the attention of the commission to the matter if an error in report has been made, and I think the commission would have the authority to allow the correction of a clerical error.

Senator LODGE. A reclassification can only be reached by an order of the President?

Mr. PROCTER. Only by order of the President.

Senator LODGE. Can the President order an office reclassified if he thinks it has been classified improperly?

Mr. PROCTER. That is a question I would rather take up later. When I come to it I have some data on the subject which I should like to submit.

Senator LODGE. What I am trying to ascertain is as to the power of classification—whether a classification being made erroneously or otherwise by the head of a Department it has to stand indefinitely, or whether the errors can be corrected.

Mr. PROCTER. I think an error in classification, an error in report——

Senator LODGE. I do not mean an error in report. I mean where a man is wrongly classified, as I think is clearly the case in the Government Printing Office.

Mr. PROCTER. I think—I am giving only my individual opinion—that where a man has been reported as a skilled laborer who is not a skilled laborer, and has never done a skilled laborer's work and was not doing the work of a skilled laborer at the time the classification was made, the error in the classification can be corrected.

The CHAIRMAN. By whom?

Senator LODGE. By whom?

Mr. PROCTER. By a report from the officer making the classification to the commission, and, by authority of the commission, correcting the error.

Senator LODGE. Then if the Public Printer should state to you that he thought certain persons were wrongly classified you have the power to reclassify?

Mr. PROCTER. Not to reclassify, but to correct an error.

Senator LODGE. You mean to take that person out of the classified service?

Mr. PROCTER. The individual.

Senator LODGE. But suppose a class is wrongly classified?

Mr. PROCTER. I do not think we have authority to pass upon a class.

Senator LODGE. That can only be done by an order of the President?

Mr. PROCTER. Yes.

Senator LODGE. Even where it has been improperly classified?

Mr. PROCTER. I think so.

Senator LODGE. That is all I want to know—how an error can be corrected.

The CHAIRMAN. Has the Public Printer made any request to have these errors corrected?

Mr. PROCTER. I can not say from memory. I wish Mr. Wales would take a memorandum of that and we will look it up.

PENSION AGENCIES.

On July 25, 1895, the clerical force of the various pension agencies throughout the United States was classified. As this was merely an extension to the clerical force, and in my opinion it should have been classified under the original law, as they were a part of the departmental service, I have nothing further to say on this point.

Senator LODGE. I do not think there is any need of going into it.

Mr. PROCTER. No; I will not speak of that.

THE INDIAN SERVICE.

Employees in Indian agencies and schools not before included——

The CHAIRMAN. When were they included?

Mr. PROCTER. At the same time.

Senator LODGE. When was the first order classifying the Indian service or any part of it made?

Mr. PROCTER (to Mr. Wales). Give me the date.

Mr. WALES. I will look it up.

Senator LODGE. I understand that that order classified only those not theretofore classified. I desire to get the date of the first extension to the Indian service.

Mr. WALES. Perhaps Mr. Bailey can give it offhand.

Mr. BAILEY. I think it was 1892.

Senator LODGE. The extension was made under General Harrison?

Mr. BAILEY. Yes, sir.

Senator LODGE. That was my impression, but I wanted to have it confirmed.

Mr. WALES (after examining). It was April, 1891.

Senator LODGE. It was made in the middle of President Harrison's term. This extension, then, covered offices not covered by President Harrison's order?

Mr. PROCTER. Yes, sir.

The CHAIRMAN. What are the rules as to transfers in the Indian service? Are they the same as in other Departments?

Mr. PROCTER. Yes.

The CHAIRMAN. What position does Mr. Thomas P. Smith, who was Assistant Commissioner of Indian Affairs, hold now?

Mr. PROCTER. I do not know.

The CHAIRMAN. Is it not a fact that he has been transferred to the position of supervisor of Indian schools?

Mr. PROCTER. Do you remember, Mr. Wales?

Mr. WALES. I do not know anything about it.

The CHAIRMAN. I will ask you to look up the case.

Mr. PROCTER. I will; and will give you all the facts in reference to it.

As to the result of this classification of the employees of Indian agencies and schools, the last report of the superintendent of Indian schools, that for 1897, pages 9 and 10, says:

"The effect of placing the employees of the Indian schools in the classified service has been quite salutary. There is a marked increase in stability of tenure, efficiency, and real devotion to the work on the part of the service as a whole."

And again:

* * * * * * *

"With reference to efficiency and devotion to work, it is impossible to offer statistical tables, but the testimony of superintendents and inspecting officials indicates that in the great majority of schools there has been an increasing gain in these things under the influence of the civil-service rules.

"The greatest gain, however, that has come to the Indian school service through the operation of the civil-service rules is to be found in the fact that in the filling of vacancies they exclude the influence of partisanship and patronage, and place at the disposal of the appointing officer persons who have furnished proof that they possess many of the more important requirements of character and equipment needed for success in the work."

The CHAIRMAN. From what superintendent do you quote?

Mr. PROCTER. Superintendent of Indian Schools Hailmann. Mr. Chairman, how much time will I have to-day?

The CHAIRMAN. Senator Lodge desires to conclude your examination to-day.

Senator LODGE. I have some questions to ask, and I should be glad to conclude your examination to-day.

The CHAIRMAN. I think it would be better.

Mr. PROCTER. I can not possibly get through to-day——

Senator LODGE. My time is somewhat uncertain, and I should like to ask the questions now which I desire to put. They are of a general character.

Mr. PROCTER. Shall I leave these other subjects?

Senator LODGE. You stopped at the Indian service?

The CHAIRMAN. Have you completed your statement with reference to that service?

Mr. PROCTER. Yes.

Senator LODGE. What other services remain?

Mr. PROCTER. I have brought the matter to the large inclusion, the May 6th order. I have taken up all the extensions prior to the May 6th order. Of course, I have not given all the extensions, but I have given the larger extensions prior to May 6. I have a table here of all the extensions.

Senator LODGE. That was the large general order that took in 31,000. You have reached that?

Mr. PROCTER. Yes.

Senator LODGE. These questions, Mr. Commissioner, are of a general character, and are not in regard to any special service. How long have you been on the commission?

Mr. PROCTER. Since November, 1893.

Senator LODGE. Will you state what you consider the relations of the commission to the President to be?

Mr. PROCTER. To aid the President as he may direct.

Senator LODGE. To offer suggestions and advice?

Mr. PROCTER. When asked for. To aid the President as he may direct in carrying out the law and the rules.

Senator LODGE. What do you think was the purpose of the act of 1883, beyond the immediate classification which it then made—I mean with reference to extensions?

Mr. PROCTER. I can better answer the question by giving you a short extract from the message of President Grant in 1872, when he was advocating such a law, in which he said:

"An earnest desire has been felt to correct abuses which have grown up in the civil service of the country."

Senator LODGE. I did not mean that. Pardon me for interrupting you. I did not intend to ask what were the evils the act was intended to remedy.

Mr. PROCTER. I am not going into that subject.

Senator LODGE. I mean what was its intent in regard to extensions?

Mr. PROCTER. President Arthur, in submitting the law of 1883, said:

"While neither that bill nor any other permanent scheme for improving the civil service concerns the higher grade of officials who are appointed by the President and confirmed by the Senate."

I think he indicated what he understood as to the scope of the law. But the intent of the law is better stated by Senator Hawley's committee——

Senator LODGE. You think the intent of the act was to have a gradual extension?

Mr. PROCTER. The report of Senator Hawley and Senator Pendleton

explained exactly in one sentence what the law was intended to do, as follows:

"But the subordinates in the Executive Departments, whose duty is the same under every Administration, should be selected with sole reference to their character and their capacity for doing the public work. This latter class includes nearly all the vast number of appointed officials who carry into effect the orders of the Executive or heads of Departments, whether in Washington or elsewhere."

Senator LODGE. That, you think, gives the intent of the act, that it was to be extended to all officers of that class?

Mr. PROCTER. Yes; and Senator Hawley in explaining the bill said it would "vastly improve the whole civil service of the country."

And that was emphasized by Senators Hoar and Dawes and Representative Buckner. I give extracts from their remarks. Senator Hawley said:

* * * * * * *

"I propose to show that we have here a reasonable, simple, practical bill, open to no constitutional objection, not in any sense experimental, based upon absolute conclusive experience, capable of being easily and economically executed, that will vastly improve the whole civil service of the country."

Senator Hoar said:

"Next, the bill commends itself to my judgment, because it proceeds with a statesmanlike caution in making the necessary experiment and proceeding from step to step. It is applicable to only a few of the great public offices in the country besides the seven Departments existing in the city of Washington. It applies, I think, to about thirty offices only out of Washington and to the Departments here, and it permits the President, if he sees fit, to extend gradually, as experience shall warrant, there being full opportunity for the legislative power to amend or supply any defects in this bill hereafter, until finally, if it is found expedient, it shall embrace the entire civil service of the country, so far as it can be properly applied."

Senator Dawes said:

"It can no longer be that 200,000 officeholders can be appointed in the methods that were fit and proper for the appointment of 1,000. Two hundred thousand in the very near future are to be appointed to administer the offices of this Government from Maine to the Gulf, from the Atlantic to the Pacific, over an area thirty times as great as that for which the system itself was created; for administering a Government the yearly receipts and expenditures of which are $300,000,000, to be collected from points a thousand miles from the eye of appointing power here, when in the beginning it was only to disburse three millions and a half among officeholders in the old thirteen States along the line of the Atlantic Coast."

Representative Buckner said:

"I want to say that I am for this bill, not so much for what it contains as for its promise of good things in the future. It is but an entering wedge, I hope, to break down the most iniquitous system which has existed in this country for the last forty years, having as its motto 'To the victors belong the spoils.' The public sentiment is now drifting in the right direction, and I am willing to give my support, and that fairly and fully, to this entering wedge, to this beginning of reform throughout the civil service of this country."

The first report of the commission for the year 1883 explains the views held at that time of the intent of the law in the following language:

"It was the part of wisdom in the outset to enforce the new system broadly enough to fairly test its merits without making it so general as to involve serious inconvenience in case of failure. There was need to bear in mind that the greatest opposition from patronage mongers and partisans would be at the first stages, when the examiners would be the most inexperienced, the commission most embarrassed by novel questions, and the ill informed most easily misled."

* * * * * * *

"Ample authority is conferred upon the President by the third clause of the sixth section of the act to require the new system to be extended to other parts of the executive service whenever, in the light of the experience gained, the public advantage is likely to be promoted thereby. No further legislation in that direction seems necessary."

The CHAIRMAN. It was intended, then, to apply to those whose duties were clerical in their nature, I understand?

Mr. PROCTER. Not at all. It was explained in debate that it was intended to apply to all persons in the civil service of the Government, whether at Washington or elsewhere. There is no question about that.

Senator LODGE. What section of the act gives the President power to make extensions?

Mr. PROCTER. Clause 3 of section 6 of the act requires heads of Departments, upon the direction of the President, to classify "subordinate places, clerks, and officers;" and that is repeated in the other section.

Senator LODGE. What limitations are there on the President's power to extend?

Mr. PROCTER. Section 7 of the law contains the following:

"Nor shall any officer not in the executive branch of the Government, or any person merely employed as a laborer or workman, be required to be classified hereunder; nor, unless by direction of the Senate, shall any person who has been nominated for confirmation by the Senate be required to be classified or to pass an examination."

This will be seen to be a limitation on Congress, and not a limitation on the powers of the President to classify.

Senator LODGE. Are those the only limitations in the law?

Mr. PROCTER. The only limitations; but I call your attention to the peculiar language of that phrase of the law, "merely employed as laborer." I think that is a limitation put on the method of employment and not upon the character of the work.

Senator LODGE. Those are the only limitations given in the law on the President's power to make an extension?

Mr. PROCTER. That limitation is not included in section 1753 of the Revised Statutes, which was reenacted by the civil-service law, which authorized the President to prescribe regulations for the admission of persons into the civil service. There is no limitation under that, and each President, in extending the classification, has used the language——

Senator LODGE. Is that the act of 1870?

Mr. PROCTER. Yes, sir.

Senator LODGE. How far does that remain in force?

Mr. PROCTER. In full. It has been reenacted. Under that, I believe, the President did even classify persons appointed by him and confirmed by the Senate.

Each President has used the following language in extending the classification:

"In the exercise of the power vested in him by the Constitution and of the authority given to him by section 1753 of the Revised Statutes and by an act to regulate and improve the civil service of the United States, approved January 16, 1883."

Senator LODGE. Then in promulgating rules and amendments to the rules all the Presidents have referred to the acts of 1870 and 1883?

Mr. PROCTER. And the Constitution.

Senator LODGE. And the Constitution, of course. Have you any doubt as to the fact that all these extensions are covered by those laws?

Mr. PROCTER. None whatever. May I call attention, Senator, to another fact? That it was intended to reach the higher offices is shown by the language of Senator Bayard in the debate in the Senate, as follows:

"The proposition was in the first place that none but the lowest grade of office should be open to competition. That, I say, is now removed. If it ever existed it certainly is now removed, and all offices of the various classes referred to by the bill are open to competition, no matter what may be their grade.

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"I am not now speaking of elective offices; I am speaking of those offices by appointment which we seek to control."

Senator LODGE. You have, in your last report, a table showing the extensions of the classification since 1883?

Mr. WALES. Yes.

Senator LODGE. By that table it appears that 5,536——

Mr. PROCTER. Will you allow me? I have not fully answered your former question as to the intent of the law. I should like to file here as a part of my statement the statements of Senators Sherman, Dawes, and Butler and Representative Willis to the effect that the entrance to the civil service should be by competitive tests, open to all the citizens of the United States upon equal terms.

Senator LODGE. Any official documents of that kind you can file. It is not necessary to read them, as they will be printed.

Mr. PROCTER. I will not read them. I will merely make a statement of what they are.

Entrance to civil service to be by competitive tests open to all citizens of the United States upon equal terms.

Senator Sherman:

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"There is the power to select by favoritism, and that power ought to be checked and guarded.

"I therefore will vote for any law which will enable any man, rich or poor, whatever may be his condition, wherever he may live, to go at the proper time before proper officers and be examined. In other words, the English rule, which has been adopted there only within a few years, has worked wonderfully well, so that any person there can go before the proper officers and be examined, and he may be appointed if he proves himself to be more meritorious than anyone else. I am in favor of any law that will accomplish that.

"It has been our happy lot, in almost every department of the State—I believe there are but two exceptions—to give up that which has always been considered the special patronage and the highly prized patronage of the Government, namely, the appointment of clerks to the civil offices of the country. We have abandoned that power. We have thrown every one of them open to public competition. The transition is now nearly complete; * * * and in order that the public service might be indeed the public; in order that we might not have among the civil officers of the State that which we have complained of in the army, namely, that the service was not the property of the nation, but of the officers, we have now been enabled to remove the barriers of nomination, patronage, jobbing, favoritism in whatever form; and every man belonging to the people of England, if he so pleases to fit his children for the position of competing for places in the public service, may do it entirely irrespective of the question what is his condition in life, or the amount of means with which he may happen to be or not to be blest."—Gladstone.

Senator Dawes:

* * * * * * *

"Institute an open competitive examination. Let it, by some machinery which shall be determined the best, be carried out as perfectly as you can, and then he who enters upon the public service will not depend for his place either on the political bias or the desire of him who appoints him, but on his personal knowledge and acquaintance with the details of the office that he fills, and of the qualities of him who is to enter it. Secure this, and you will have reached to a considerable extent this demand as well as the other, but it is the omnipotent public opinion, created by what we have seen within the last few months, that demands at our hands that we shall respond by such legislation as shall forever make the repetition of the evil impossible."

Senator Butler:

* * * * * * *

"I am one of those old-fashioned persons who believe the officers of this country belong to the people of the country. I believe they belong to the people without regard to the influence of Senators or Representatives in Congress. I believe they belong to the people, and they have a right to designate how those offices shall be conferred, and that they shall be kept in trust for them and not for any political party, whether that political party be Republican or Democrat."

Representative Willis:

"As to the remaining sections of this bill, which provide for open competitive examinations, I can say for myself and for the overwhelming majority on this side that they will receive our hearty support. The experience of other countries as well as our own demonstrates the necessity and practicability of a reform measure such as this. I will not attempt, for the House is ready to vote, to discuss these sections. Two years ago I introduced here the bill which we now have before us. The more fully I have studied the history of the civil service of our own and of other lands the more fully I have been convinced of the necessity of this legislation if we would bring back our country to its ancient and honorable principle of purity, simplicity, economy, and honesty."

Mr. PROCTER. I also submit statements of Senators Allison, Hoar, Bayard, Dawes, and George that the law intended to place the civil service of the entire country on a nonpartisan basis.

Law intended to place the civil service on a nonpartisan basis.

Senator Allison:

"The amendment which I propose requires the head of the Department making these appointments to take the highest number, whatever it may be. The man who has shown himself eminently qualified in every way for the position he seeks shall have that position, without reference to what his party affiliation may be."

Senator Hoar:

"If we can put upon the statute a declaration of the American Congress, in obedience to the public voice, that original appointments to the public service shall hereafter be made on the basis of fitness and merit solely, and that the civil service of the country shall no longer be a partisan weapon, I do not believe that any Executive whom the American people will be likely soon to elect will disregard that expression of opinion, and will be willing to go into history as the man who undid and destroyed this great work which the American people have required to be done; and I am willing to trust the measure to the influence of that consideration for the future."

Senator Bayard:

"I desire to see a change. I wish here to say that I do not desire to see a Republican spoils system replaced by a Democratic spoils system. Just so far as we can remove the public clerical force from the ebb and flow of shifting and accidental party power, just so far as we may remove them from the fires of party and from the anxiety that must attend our frequent recurring elections, just so far we progress in the right direction.

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"We are now proposing to substitute what? Public service for party service; the test of individual capacity and fitness and worth for an office instead of violent partisan service, oftentimes of an unscrupulous and unprincipled character."

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Senator Dawes:

"I know of no other way by which you can secure entrance into the public service without regard to party, except it be under a competitive examination open to all parties, honestly, fairly, and intelligently conducted and abided by. If this is done, I do not see why a man of one party is not just as secure of a place in the public service as a man of any other party. It puts each and all upon their merit.

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"When it is necessary to maintain that party, with all its glories behind it and all its hopes and promises before it, in power by the prostitution of the patronage of this Government to the purpose of controlling free thought with a free ballot in this country, it will cost more than it is worth. And though under the administration of a bill based upon the principle of this bill, that the public service is open to those in this country, without regard to their party affiliation, who can demonstrate, under a rigid competitive examination, intelligently conducted and honestly adhered to, their fitness above others to a place, every political friend of mine in the country shall have to give place to those who entertain other principles, there will have been such an advance in the purity of administration in this Government, so much will have been accomplished, that no man will mourn who loves purity of administration and who desires the best interests of his country."

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Senator George:

"The merits of this bill I shall not go into now. I will mention, however, to the honorable Senator that it does incarnate and embody in the form of a statute the best conscience and judgment of this country against political proscription, and as such it receives my hearty approbation. I denounce this system as it now exists. I denounce it because it excludes my friends and the men with whom I cooperate from all participation in the affairs of the Government. But will it be any better, will it be fairer, will political proscription be less hideous, if when we attain power we shall turn around and practice the same methods which we denounce now? No, sir; if political proscription be wrong in the Republican party it will be wrong in the Democratic party. If it be unjust, as I say it is unjust, that the Democrats of this country should have no chance to participate in the administration of the Government, it will be equally unjust, should our good fortune lead us to victory, to exclude to the same extent the Republicans from political employment in this country."

Mr. PROCTER. I should like to file the statements of Senators Bayard and Sherman, that removals should not be made for political reasons, but for the good of the service only, and also the report of the special committee in the Twenty-seventh Congress.

Removal not to be made for political reasons, but for the good of the service only.

Senator Bayard:

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"The value of this bill to me is this: It recognizes the principle and the fact that the offices of this Government are created and filled for public service and not for the private use of the incumbents. As long as the offices are to be considered merely as emoluments, merely as rewards, the emolument of the incumbent, and a reward and benefit to the incumbent, then I say that you have lost sight of the great idea and purpose for which they were established, which is public benefit, and nothing else.

* * * * * * *

"It provides for a test of fitness and capacity that will logically prevent a President or a Cabinet officer from keeping an incompetent and unworthy man in office. If he is in, he ought to go out, and the sooner he goes out the better, and there is no such thing as vested right in his term of office to remain there. No man holding an office by appointment has a right to remain after his presence there is detrimental to the interests of the public."

Senator Sherman:

"There is another law that I am in favor of. It is said that removals are made without cause. Well, sir, if removals are made without cause, in nine cases out of ten they are made upon the solicitation of Members of Congress. I say that without fear of contradiction. Nine out of ten of the removals without cause are made because there is a pressure brought upon Members of Congress to induce removals, and demands are made by Members of Congress, both Senators and Representatives, upon the President and heads of Departments to appoint men for them to office.

"Nor is this confined to one party, either, even in a Republican Administration; that is the fact. Now, if any law will guard against that, it ought to be passed. One law which would be as wise as any other

would be to forbid members of the legislative department of the Government from even applying to the Departments for any position or any office."

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Report of special committee, Twenty-seventh Congress, July 27, 1842.

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"In the opinion of your committee, a more effective one would be for Congress to pass a law repealing the limitation to office under the law of 1820, and requiring all officers having the power to dismiss a subordinate to furnish each person removed from office with the cause, in writing; and also to report forthwith the name of the officer, and the cause of his removal, to the President."

* * * * * * *

"The clause repealing the section of the act of 1820 which limits the appointment of certain officers to four years it is believed will be of great practical utility. All these officers at the termination of that period are, by operation of law, removed for the President, without any act on his part, and he may commit the greatest improprieties in filling the vacant places without incurring any liability for the displacement of faithful public agents. This regulation swells considerably his power, as it makes a great many vacancies with the certainty of the returning year and subjects the incumbents more inexorably to his will than if the exertion of the power of removal was a preliminary operation. Such repeal would, besides, add somewhat to the permanency and certainty of the tenure by which office would be held; and such tenure should at least be as certain and permanent as the fidelity and fitness of the officer.

"The past assures us of what would be the future state of things if the principle that an officer is only to be removed for sufficient cause should be again established. Under Washington, Madison, Monroe, and the two Adams's it fully obtained, and there was hardly occasion to exert it once the average during the year of the Administration of these Presidents; and yet, in those better days of the Republic, the superiority of the officers of the Government over those of this day, in capability, fidelity, and virtue, is most striking. The people were then neither better, nor wiser, nor more patriotic, nor more devoted to business than now, nor was our general condition and circumstances more favorable to the preservation of public and private virtue in Government agents."

Senator LODGE. Now, I will return to the table of which I was speaking. The table shows, does it not, that 5,536 Treasury employees, classified May 6, 1896, had previously been under the examination system?

Mr. PROCTER. Yes, sir.

Senator LODGE. And there were 5,216 civilian employees of the War Department classified at the same time which had always been practically nonpolitical?

Mr. PROCTER. Yes, sir.

Senator LODGE. Making 10,752 in all. Now, omitting these nonpolitical branches, how many positions have been brought into the classified service by Executive action?

Mr. PROCTER. I will file a table here showing it. These two tables will answer your question in full.

Senator LODGE. I have myself made an examination of the tables. You will correct me if I have the figures wrong. My figures show 60,879 brought in.

Mr. PROCTER. Yes, sir.

Senator LODGE. Am I correct in stating that of these 32,987 were classified by Republican Presidents?

Mr. PROCTER. A table was prepared very elaborately by Congressman Brosius, who is chairman of the Committee of the House of Representatives on Reform in the Civil Service. He has gone over the figures very carefully, and he separates what he would consider the political from the nonpolitical inclusions made by the different Presidents. He estimates that the political inclusions made by the Republican Presidents amount to 27,667 and that the political inclusions made by Democratic Presidents since the enactment of the law amount to 27,892.

Senator LODGE. In the 32,000 that I have here I include the Railway Mail Service.

Mr. PROCTER. The rules did not go into effect until May, 1889.

The CHAIRMAN. Were those places political?

Mr. PROCTER. They were political.

The CHAIRMAN. Is it proper to charge those up as political appointments where the persons were on that date practically in the classified service?

Mr. PROCTER. No, sir.

The CHAIRMAN. No examination was required for those places?

Senator LODGE. They were examined after they got in.

Mr. PROCTER. The original appointments were purely political.

The CHAIRMAN. Is it not a fact that they were required to undergo a rigid examination before they could enter the service permanently?

Mr. PROCTER. No, sir; they were examined very rigidly after they were in the service.

The CHAIRMAN. I mean that they were taken in on probation. Were they not required to be examined once a month until they demonstrated the fact within a certain period that they could perform the duties satisfactorily?

Mr. PROCTER. That is true; but that did not render it any the less political, because only persons were appointed who were recommended. No matter which party was in power, their appointments were purely political.

Senator LODGE. The navy-yards were classified by Secretary Tracy?

Mr. PROCTER. Yes, sir.

Senator LODGE. Those have since been put under the law, but they were all classified by him, were they not, in 1891?

Mr. PROCTER. They were.

The CHAIRMAN. Are the navy-yards classified now as other Departments?

Mr. PROCTER. Not as other Departments.

The CHAIRMAN. You simply have a register there?

Mr. PROCTER. We simply adopt the register kept by the officers at the navy-yard, a board under the regulations of the commission, as authorized by the President.

Senator LODGE. How many were included under the Democratic Administration?

Mr. PROCTER. Twenty-seven thousand eight hundred and ninety-two political places.

Senator LODGE. About how many have come in through the natural growth of the service? I have 15,467.

Mr. PROCTER. Yes, sir.

Senator LODGE. And the total classified service, from the natural growth, nonpolitical inclusions and Executive extensions, amounts to 87,096?

Mr. PROCTER. Yes, sir. I will file those tables.

Senator LODGE. I should like to have them filed.

The tables referred to are as follows:

NOT POLITICAL.

List of positions either professional, scientific, or nonpolitical, classified by direction of the President between March 4, 1893, and May 6, 1896:

Department of Agriculture:	
Microscopists	5
Assistants	200
State statistical agents	46
Meat inspectors	69
Live-stock agents	33
Stock examiners	96
Superintendents quarantine stations	2
Assistant teachers (Indians)	89
	540
Number of "nonpolitical" positions classified between March 4, 1893, and May 6, 1896	540
Number of "nonpolitical" positions classified by the extensions of May 6, 1896	16,536
	17,076

POLITICAL.

List of positions classified by order of the President between March 4, 1893, and May 6, 1896, which were neither professional, scientific, or otherwise considered nonpolitical.

Taggers	150
Messengers	171
Clerks	15
Indian warehouse clerks	2
Clerks, Post-Office Department	43
Messengers and watchmen	868
Firemen	94
Census employees under act of Congress	90
Internal-revenue service	2,939
Government Printing Office	2,709
Pension agencies	505
Customs service	1,527
Indian schools and agencies	743
	9,856
Number of "political" positions classified between March 4, 1893, and May 6, 1896	9,856
Number of "political" positions classified by the extensions of May 6, 1896	8,051
	17,907

NOT POLITICAL.

Positions which are professional, scientific, or nonpolitical classified under the amendments of May 6, 1896.

Civil Service Commission	3
Revenue-Cutter Service	161
Life-Saving Service	1,992
Light-House Service	2,270
Marine-Hospital Service	451
Aid in the Coast and Geodetic Survey	46

Engineer Department at large	4,377
Ordnance Department	1,389
Navy-yard (registration)	5,063
Interior Department:	
Alaska school service	32
Government Hospital for Insane	455
Freedman's Hospital	70
National Museum and other scientific bureaus	227
	16,536

NOTE.—In addition to the above there were included under the extensions of May 6, 1896, 4,120 pension examining surgeons. These positions are undoubtedly professional, but they have been considered as both political and nonpolitical in discussing the matter. Their addition to the nonpolitical positions would make that total 20,656.

POLITICAL.

Positions neither scientific, professional, nor nonpolitical classified under the amendments of May 6, 1896.

Executive Office	21
State Department	42
Treasury Department:	
Laborers performing classified duty	192
Mint and assay offices	828
Steamboat inspection service	151
Subtreasuries	260
Immigration service	161
Special Treasury agents	36
Special customs inspectors	56
Chinese inspectors	36
Immigrant inspectors	71
Shipping commissioners	54
Special Treasury employees	33
Internal-revenue agents	20
Custodian and janitor service	704
Construction of public buildings	112
Miscellaneous positions	201
War Department:	
Laborers performing classified duty and miscellaneous	270
Civilian employees at army and department headquarters	173
Various military park commissioners	58
Miscellaneous assistants, Quartermaster's Department	492
Department of Justice:	
Miscellaneous positions	121
Fort Leavenworth Penitentiary	66
Clerks to district attorneys	57
Office deputy marshals and assistants	204
Post-Office Department:	
Laborers performing classified duty	25
Mail bag repair shop	157
Mail lock repair shop	49
Navy Department:	
Miscellaneous	119
Clerks at navy-yards and naval stations	701
Naval architects	12
Naval pay officers	32
Marine Corps	13
Increase of Navy	63
Department of the Interior:	
Laborers performing classified duty	96
District land offices	199
Offices of surveyors-general	216
Architect of Capitol	65
Miscellaneous offices	92
Department of Agriculture	115
Department of Labor	3
United States Commission of Fish and Fisheries	19
Interstate Commerce Commission	137
Post-office service	499

Government Printing Office	96
Custom-house service	537
Internal-revenue service	301
	8,051

NOTE.—In addition to the above there were included under the extensions of May 6, 1896, 4,120 pension examining surgeons. These positions are undoubtedly professional, but they have been considered as both political and nonpolitical in discussing the matter. Their addition to the political positions would make that total 12,171.

NOTE.—There were also included by the extensions of May 6, 1896, about 2,500 positions which the commission has not classed as "political" or "nonpolitical."

Growth of the classified service.

	Republican.			Democratic.		
	1883 to 1885.	1889 to 1893.	Total.	1885 to 1889.	1893 to 1897.	Total.
Executive action	13,924	8,690	22,614	7,259	41,768	49,027
Natural growth	1,649	6,908	8,557	4,498	2,412	6,910
Total	15,573	15,598	31,171	11,757	44,180	55,937

RECAPITULATION.

Executive action	71,641
Natural growth	15,467
Grand total	87,108

BY EXECUTIVE ACTION.

Republican.

1883–1885:		
Original classification		13,924
1889–1893:		
Indian school service and physicians, April 13, 1891		626
Fish Commission, May 5, 1892		140
Weather Bureau, January 5, 1893		314
548 free-delivery post-offices, January 5, 1893		7,610
Total		22,614

Democratic.

1885–1889:		
Civil Service Commission, March 1, 1888		8
Revision of departmental classification, June 29, 1888		1,931
Railway Mail Service, December 31, 1888		5,320
1893–1897:		
Miscellaneous positions to March 20, 1896		4,243
Internal-revenue service at large, December 12, 1894		2,939
Government Printing Office, June 13, 1895		2,709
Pension agencies, July 15, 1895		505
Revision of the rules of May 6, 1896		31,372
Total		49,027

Grand total, 71,641.

BY EXECUTIVE ACTION, ACCORDING TO DATES OF ACTUAL APPLICATION.

Republican.

1883–1885:		
Original classification		13,924
1889–1893:		
Extensions of President Harrison		8,690
Railway Mail Service (application suspended to May 1, 1889)		5,320
Navy-yard employees placed under rules by Secretary Tracy		5,063
		32,987
Deduct Railway Mail Service		5,320
Total		27,667

Democratic.

1885–1889:		
Extensions of President Cleveland, less Railway Mail Service	1,939	
1893–1897:		
Extensions of President Cleveland, less navy-yard employees	36,705	
		38,644
Less nonpolitical branches:		
Treasury bureaus previously under examination systems	5,536	
Employees of the engineers and others in War Department	5,216	
		10,752
Total		27,892

RECAPITULATION.

Under Republican Administrations	32,987
Under Democratic Administrations	27,892
Nonpolitical	10,752
Grand total	71,641

Mr. PROCTER. I should like to call attention to the fact that even in the list here there are many places included as political which can be justly regarded as nonpolitical. Take, for instance, the civilians appointed at army headquarters. We count those as political, but I doubt it very much, because they are appointed by the army officers. So with the miscellaneous assistants in the Quartermaster's Department—and there are many places of that kind. So this table has been prepared so as to err on the side of safety.

Senator LODGE. There were classified, nominally, during Mr. Cleveland's last term, 41,768 persons, were there not?

Mr. PROCTER. Yes, sir.

Senator LODGE. And those are shown in detail in the table?

Mr. PROCTER. Those are shown in detail in this table.

Senator LODGE. By the order of May 6, 1896, 31,372 were classified, were there not?

Mr. PROCTER. Yes, sir.

Senator LODGE. Did this include the navy-yard employees which had already been classified by Secretary Tracy?

Mr. PROCTER. It did.

Senator LODGE. The nonpolitical branches that I have already referred to?

Mr. PROCTER. It did; and this table shows that in that order there were at least 16,536 places, such as those the Life-Saving Service, the Revenue-Cutter Service, the engineer department, etc., which were properly called nonpolitical.

Senator LODGE. Which had never been practically political departments?

Mr. PROCTER. Senator, I would say here that as to some of the extensions to these services, the President hesitated to make them because there had been examinations and because they were nonpolitical; but the officers in charge of those services who had had the longest service felt that as the classification was extended there was a danger that services which had hitherto been nonpolitical would become political, because the political pressure would be concentrated upon those remaining services. It was mainly at the instance of the officers in charge of these services, such as the engineers, the Superintendent of the Life-Saving Service, who went to the President and urged upon him that it would be unwise to extend the classification and remove all the political places and leave the nonpolitical service to be open to attacks which would naturally follow; that services which had been built up, such as the Life-Saving Service, on a purely merit basis, with rigid examination, might become political, and it would prove very detrimental to that service.

Senator LODGE. As I understand it all, the navy-yard employees, who were included by the blanket order, as it is called, of May 6, 1896, had been classified by Secretary Tracy?

Mr. PROCTER. Yes, sir.

Senator LODGE. The nonpolitical branches which I have already enumerated amounted to some 10,000 persons, and there were positions in the Indian Service—a small number. That also included, did it not, the Light-House Service and the Life-Saving Service?

Mr. PROCTER. And the Marine-Hospital Service.

Senator LODGE. Service which had not been political for many years, at all events?

Mr. PROCTER. Yes, sir.

Senator LODGE. Those were all included in that order?

Mr. PROCTER. They were all included in that, I think, amounting to 16,536.

Senator LODGE. That leaves how many places that were political included in the order of May 6? I figure it at 13,496. Is that correct?

Mr. PROCTER. I think it is. I have got it 8,051 as the political extensions of May 6.

Senator LODGE. I did not deduct the Light-House and the Life-Saving services, but those could be fairly taken out.

Mr. PROCTER. In regard to the navy-yard service, when I reached that point I intended to say something about it beacuse I have Secretary Roosevelt's last investigation.

Senator LODGE. You can take that up when you come to it.

The CHAIRMAN. You will be given an opportunity to tell about that service.

Mr. PROCTER. Very well.

Senator LODGE. By the way, the navy-yard classification was made first by Secretary Tracy under departmental order?

Mr. PROCTER. Yes, sir.

Senator LODGE. And all employments there were made through boards of naval officers. Has that system been changed at all?

Mr. PROCTER. Not in the slightest. There have been some regulations adopted by the navy-yards——

Senator LODGE. But is not the entire navy-yard service wholly in the hands of the Navy Department practically.

Mr. PROCTER. Yes, practically.

The CHAIRMAN. Then it is improper to charge it up to a Republican Administration as having been classified?

Senator LODGE. Secretary Tracy classified it all.

The CHAIRMAN. Is it classified under the law. It is not classified under your rules; that is, you do not have an eligible list for the navy-yards?

Mr. PROCTER. There is an eligible list.

The CHAIRMAN. They have an eligible list, but you do not have an eligible list which requires them to take the three highest?

Mr. PROCTER. The officers have——

The CHAIRMAN. You do not have an eligible list by which you require them to take the three highest appearing on the list?

Senator LODGE. The classification of the navy-yards I happen to know about personally, because I was consulted by General Tracy about the order. The large body of persons employed in the navy-yards are mechanics. There are very few clerks employed—I think only three or four hundred, are there not, Mr. Procter?

Mr. PROCTER. That is all.

Senator LODGE. Very few clerks are employed. All the mechanics are placed on the register by this board of naval officers at the navy-yards in the order of application. Preference is then given to veterans, to men who have been employed in the yard before, and to men with families. There are certain grades of preference.

The CHAIRMAN. It is a matter entirely with the Department.

Senator LODGE. They are not certified three at a time, but when a demand is made for men the naval board select from this register. The clerks are taken from the eligible list?

Mr. PROCTER. The clerks are appointed just like clerks in any other Department. I would say that I judge from your questions the other day that you were led into an error in thinking that transfers are made from the mechanical force to the departmental service.

The CHAIRMAN. No, sir; I was not led into that error. I asked you if transfers were not made from the navy-yard to the Navy Department.

Mr. PROCTER. Only, I think, from the clerical force or from the force appointed through the certification of the Civil Service Commission.

The CHAIRMAN. I did not confine my question to the mechanical force.

Mr. PROCTER. The clerks in the navy-yard are certainly eligible to transfer.

The CHAIRMAN. That is what I wanted to know.

Mr. PROCTER. They are eligible under the rules, because they are appointed from a certification from the commission, and not from the local navy-yard boards.

Senator LODGE. Secretary Tracy did not classify the clerks; he classified the mechanical force, which is nine-tenths of all.

The CHAIRMAN. So the mechanical force should be deducted from those properly classified in the civil service?

Senator LODGE. When Secretary Tracy made that departmental order it was the first classification. Is the mechanical force still under departmental order simply, or is it included?

Mr. PROCTER. I have here the Executive order of November 2, 1896. This is the celebrated order of November 2 which has given a great deal of trouble to people in confusing it with the May 6 order, as if the May 6 order was issued November 2. On November 2, 1896, President Cleveland issued the following order:

"The regulations of the Navy Department governing the employment of labor at navy-yards having been adopted by the Civil Service Commission as a regulation of the commission July 29, 1896, under the authority conferred by clause 1, rule 1, of the Revised Civil Service Rules of May 6, 1896, it is hereby ordered that no modifications of the existing regulations shall be made without the approval of the Civil Service Commission."

The CHAIRMAN. Is that your usual method of classifying a Department?

Mr. PROCTER. No; it is not.

The CHAIRMAN. So they are not properly classified, then, in the civil service?

Mr. PROCTER. That is a question to be settled, I think, by the President of the United States. The Civil Service Commission is ordered to aid the President as he may direct.

The CHAIRMAN. I am not asking for the President's opinion, but I am asking your opinion as to whether you believe that they are properly classified.

Mr. PROCTER. I believe that they are properly classified. I believe the President——

The CHAIRMAN. You say you have not classified them by the usual rules. How is it, then?

Mr. PROCTER. The President has authority, absolute authority, under the Constitution and section 1753 of the Revised Statutes, to do what he pleases in that regard.

The CHAIRMAN. Has the President made an order classifying them as other Departments have been classified?

Mr. PROCTER. The President has made that order which the Constitution——

The CHAIRMAN. That does not answer my question. Has the Presi-

dent made an order classifying this Department in conformity with the orders heretofore made classifying Departments?

Mr. PROCTER. I can not criticise the orders of the President of the United States, nor pass judgment upon them.

The CHAIRMAN. But you can answer a question when I propound it to you. That is not criticising the President.

Mr. PROCTER. I think that the order issued by the President of the United States was an order which he had a right to issue and which the commission had a right to obey, and the Department had a right to obey.

The CHAIRMAN. Do I understand you to say that there are certain governmental matters about which you are not at liberty to express an opinion because the President may have a different opinion in regard to the matter?

Mr. PROCTER. Not at all. I have a perfect right to express any opinion, and I have expressed an opinion that that order of the President was an order which he had a right to issue; that it was a proper order, and that the commission is doing its best to carry it out.

The CHAIRMAN. Now, I ask you if that order is in harmony with the orders heretofore made?

Mr. PROCTER. The order is not an order of classification as heretofore made.

Senator LODGE. Now, if the chairman is through——

The CHAIRMAN. Yes, sir.

Senator LODGE. The matter as to how men shall be taken into the service from the eligible list, etc., is purely a matter of rule, is it not?

Mr. PROCTER. Yes, sir.

Senator LODGE. It is not provided in the law that three names shall be certified?

Mr. PROCTER. No; it is a matter of rule.

Senator LODGE. Therefore, you can make rules for the selection?

Mr. PROCTER. We can make a rule certifying one name.

Senator LODGE. For the different Departments of the service you can arrange your system of selection in any way the President pleases?

Mr. PROCTER. In any way the President orders.

Senator LODGE. Exactly. He ordered one way in the force of the navy-yards and another way in the clerical service of the Treasury Department, we will say.

Mr. PROCTER. Yes, sir; he has. He has ordered that in the Railway Mail Service we shall not certify persons above a certain age.

Senator LODGE. But all services are classified, are they not?

Mr. PROCTER. All services are classified; but the age limitation may be different in various services.

Senator LODGE. For the navy-yards the provision is as originally adopted by Secretary Tracy—that a register for mechanics shall be created under certain terms, which it is not necessary to go into, and when that was included they simply took that method of classification. Is that it?

Mr. PROCTER. They simply took that method.

Senator LODGE. The only difference is in the method of classification.

Mr. PROCTER. That is the only difference.

Senator LODGE. Is that made necessary, in your judgment, by the fact that it is mechanical force?

Mr. PROCTER. I think it is; and because the officers in charge of the navy-yards have thought that that was the best way to handle it.

Senator LODGE. Of the positions brought in May 6, about how many were of the character for which new eligible lists were needed?

Mr. PROCTER. On May 6 the commission had about 30,000 people on the various eligible lists. I can not answer now from memory for how many different places new examinations were necessary.

Senator LODGE. Well, approximately?

Mr PROCTER. That would depend upon the changes in the service. I would say that the commission has no authority to hold an examination for any Department or office until classification has been made or ordered.

Senator LODGE. Then, for positions where new eligible lists were needed, you could not examine until after classification?

Mr. PROCTER. No, sir; and for that reason the President put in a rule for temporary appointments to meet emergencies.

Senator LODGE. I was coming to that in a moment. Has this been the practice in the preceding extensions?

Mr. PROCTER. I think it has been the practice in every one.

Senator LODGE. In free-delivery post-offices, and so on?

Mr. PROCTER. I think it has been the universal practice.

Mr. LODGE. That is, you could not prepare the list until the classification had been made?

Mr. PROCTER. Until it went into effect. However, in the free-delivery post-offices the commission is usually notified by the Department that on a certain day free delivery will be established. Then the commission institutes an examination. Is not that the practice, Mr. Wales?

Mr. WALES. Yes; it is classified by operation of law.

Mr. PROCTER. It is classified by operation of law.

Senator LODGE. But where embarrassment was likely to be produced by the fact that you had no eligible list you permitted temporary appointments under the rule?

Mr. PROCTER. Yes, sir.

Senator LODGE. Were those temporary employees allowed to take an examination, if they wanted, for permanent appointment?

Mr. PROCTER. They were allowed, and I think the commission notified the Departments to that effect, so that they could notify these people that they could come in and compete in the examinations.

Senator LODGE. And they might be retained if they passed one of the three highest?

Mr. PROCTER. If they were one of the three highest they might be certified and retained.

Senator LODGE. Are these embarrassments about eligible lists likely to diminish?

Mr. PROCTER. They always diminish. The embarrassments always increase upon the change of an Administration, and always diminish toward the close of an Administration.

Senator LODGE. I meant embarrassments as to the eligible list. That is, when difficulty in getting persons to fill places from the eligible list has occurred it had been chiefly, has it not, at the time of the classification?

Mr. PROCTER. Always.

Senator LODGE. That is, it requires time to establish quotas, registers, etc.

Mr. PROCTER. We have no trouble whatever in the eligible list for places that have been classified for a few years—none whatever.

Senator LODGE. I should like to ask you in a general way whether the commission sends to each applicant information as to the number who have passed and been appointed in each year?

Mr. PROCTER. Here is a manual of information for applicants, and

their attention is called to the table showing the number of people appointed from each register, so that they can see what the chances of appointment are. I wish to say that a few years ago there were very few people appointed from the bookkeeping register. The Departments happened to make a number of appointments from that register and the next year the number of applicants for that examination was very largely increased. We showed in another pamphlet another year that we had twice exhausted our register for stenographers. We have never had any trouble about having an ample register for stenographers since that fact was published.

Senator LODGE. So the applicants are informed as to the probability of selection?

Mr. PROCTER. The applicants are informed.

Senator LODGE. Has it been the effort of the commission to try to make the examinations as appropriate to each form of service as possible?

Mr. PROCTER. It has been by consultation with the Departments.

Senator LODGE. Do you consult with the Departments with reference to the scope of all examinations?

Mr. PROCTER. We do.

The CHAIRMAN. Suppose they make certain suggestions. Do you take their suggestions without question?

Mr. PROCTER. We do not.

The CHAIRMAN. Suppose there is a disagreement. Then what do you do?

Mr. PROCTER. We have never had a disagreement with a Department over an examination that could not be settled by conference. As to the practical character of the examinations, the hardest examination and the one for the highest position ever held by the commission was for Supervising Architect in the Treasury Department. The commission believes that if we can fill a position of that grade satisfactorily, where we can demonstrate a man's capacity as an architect and his ability shown as an executive officer, we can hold successfully any examination of a lower grade. Mr. Serven, the chief examiner, went very fully into the question of the examination, and I think has covered the ground very amply.

Senator LODGE. I do not care to go into it again.

Mr. PROCTER. But I should like to call attention to the fact that, as a result of that examination, we had men applying from all over the United States, and the board of eminent architects who passed upon the papers made a selection and a certification to the Treasury Department. A gentleman who was on that board and who became world-famous because of his great executive ability as the chief architect of the great Chicago Exposition buildings, after this examination and after the appointment of the architect, wrote me as follows:

[D. H. Burnham & Co., architects.]

THE ROOKERY, *Chicago, October 18, 1897.*

Hon. JOHN R. PROCTER,
President of the Civil Service Commission, Washington, D. C.

SIR: I arrived home Saturday night, and hasten to express to you my sense of your courtesy, and also my belief in the high value of the work of the commission under you. It was a surprise to me to find out how thorough the latter is, and that the Government is sincerely operating under its rules.

I am thoroughly satisfied with the action taken by the subcommittee of which I was a member.

With strong personal regards, I remain, very truly, yours,

D. H. BURNHAM.

The CHAIRMAN. Did you select an architect after that examination?

Mr. PROCTER. We did.

The CHAIRMAN. Did you select the man who stood highest on the list?

Mr. PROCTER. No.

The CHAIRMAN. I ask you if it is not a fact that two men stood higher on the list than the man you selected?

Senator LODGE. Three names were certified, were they not?

Mr. PROCTER. Mr. Chairman, the commission did not select anybody. The commission certified three names. One man stood at 90, I think. I can not give their exact rating. The next man stood at 88 and a fraction. The third man stood at 76, I believe. I think the second man was selected, because the second man had been for two years or three years employed as chief designer in the Treasury Department, in the Architect's Office. The Secretary of the Treasury knew the man and knew of his work, and it was the Secretary's privilege, without being questioned by the Civil Service Commission, to select either of the three names certified to him by this board.

The CHAIRMAN. But it is the fact that the man who had had this experience there got the lowest grade?

Mr. PROCTER. No; it is not the fact. I think he got the second grade. He certainly was one of the three out of thirty-eight eminent architects from all over the United States. So it shows that the man with experience did pass among the three highest.

The CHAIRMAN. But he was the lowest of the three highest?

Mr. PROCTER. I do not think he was the lowest. I think the record will show that he was the second on the list.

The CHAIRMAN. I will ask you to look up the record.

Mr. PROCTER. I shall get the record.

The record is subsequently submitted as follows: The three names certified to the Secretary of the Treasury had a rating of 90, 88.20, and 78. The second man, having the rating of 88.20, was appointed to the position.

Senator LODGE. Does not each candidate serve on probation before the appointment is made absolute?

Mr. PROCTER. Each candidate is appointed for a period of six months on probation, where he undergoes what we consider the additional part of the practical examination. If at the end of six months the Department certifies that it has found his services satisfactory, he is given absolute appointment, and he can not be given absolute appointment unless the Department does certify that it has found his services satisfactory.

Senator LODGE. Then if he is young and just out of school (which I find is a serious objection as these examinations have gone on) and has not the virtues of a practical man, the head of the Department is perfectly able to turn him out, is he not?

Mr. PROCTER. Without question.

Senator LODGE. And demand a fresh certification?

Mr. PROCTER. And demand another certification.

Senator LODGE. And there is no limit on that power of the appointing officer?

Mr. PROCTER. None whatever. On that point I want to call attention to the fact that the average age of people appointed in the departmental service is between twenty-eight and twenty-nine years; so that you see they must have had quite a number of years of experience after leaving school before they went into the Government service.

Senator LODGE. Well, those things are relative. Suppose anyone is dissatisfied with the examination; can he appeal?

Mr. PROCTER. Certainly.

Senator LODGE. To whom?

Mr. PROCTER. To the Civil Service Commission.

Senator LODGE. Here in Washington?

Mr. PROCTER. Yes, sir.

The CHAIRMAN. Is there any limit fixed as to the time?

Mr. PROCTER. I can not answer that from memory.

Senator LODGE. That was asked this morning, and Mr. Procter could not state exactly.

Mr. PROCTER. I think there should be a limit.

Senator LODGE. There is a reasonable time given.

Mr. PROCTER. There is a reasonable time given after a man receives notification of his standing in the examination.

Mr. WALES. I think it is something like sixty days after he receives notification of the examination.

The CHAIRMAN. I have an examination here which I will hand to you and ask you to look up. It was sent to North Carolina and did not reach the party until recently. I think it has been quite a while since he was examined.

Mr. PROCTER. I understand from Mr. Wales that the time is sixty days. The commission has the absolute right to waive it if for any reason there has been delay in the mails or delay in the opportunity afforded the person to make an appeal. An opportunity is always afforded to make an appeal, and every appeal is given a hearing.

Mr. WALES. We have never turned one down on that account.

Senator LODGE. You say the average age of those appointed is about 27 to 28?

Mr. PROCTER. I think it is between twenty-eight and twenty-nine years.

Senator LODGE. Then the "boys" have been out of school for some time?

Mr. PROCTER. Yes, sir.

Senator LODGE. What is the proportion of candidates rejected at the end of the probationary term?

Mr. PROCTER. It is a very small percentage. I have not the exact number, but it is very small.

Senator LODGE. Can you furnish that?

Mr. PROCTER. I think that in one year in the Railway Mail Service, out of the numbers appointed all over the United States, there were only twelve rejected during their probation, and that is the most rigid service. They have a physical as well as an efficiency test.

Senator LODGE. The testimony of executive officers and others as to the working of the service you will put in in finishing your statement. You have shown it already, I notice, a good deal.

Mr. PROCTER. I will say, Senator, that it has been almost the universal experience that heads of bureaus, offices, and Departments have testified to the increased efficiency of the service because of the application of civil-service rules after they have been for two or three years in office. Frequently we have criticisms and objections from people

who have had little departmental experience and who come into office with, you may say, notions of—I do not like to use the word "spoils," but I will say with preconceived ideas as to how the Department should be run. But I scarcely recall an instance where such men have not become warm advocates of the system after a long departmental experience.

Senator LODGE. You have cited a number of such opinions in your statement already, and I would suggest that brief extracts of that kind from officers of both parties who have had experience at different times should be furnished by you.

Mr. PROCTER. I will do that. I can give you extracts from officers who have had experience under both systems.

Senator LODGE. I mean their opinions, whether they think it is good or bad.

Mr. PROCTER. Their official opinions?

The CHAIRMAN. For the present as well as the past.

Senator LODGE. For the present as well as the past.

Mr. PROCTER. Very well.

Senator LODGE. Has not the President the power to remove from the list of competitive examinations any positions which in his judgment ought not to be under the law?

Mr. PROCTER. He can except from examination any position in the classified service.

Senator LODGE. That is as I understand. That is, if there are positions that ought not to be classified for any reason, in his judgment, he can except them?

Mr. PROCTER. Certainly.

Senator LODGE. He has very large powers under the existing law?

Mr. PROCTER. He has almost absolute powers.

Senator LODGE. He may modify the rules practically in his discretion and judgment?

Mr. PROCTER. The law gives him that power.

The CHAIRMAN. When he does except certain positions, does it take them out of the classified service?

Mr. PROCTER. Excepting from examination does not take them out of the classified service. I will say, Mr. Chairman, that there are in the original law eight fundamental principles. I will call attention to a few of them: First, competitive examinations; again, that the service shall be on a nonpartisan basis; that men shall not be coerced because of their political beliefs; that apportionment shall obtain; that the appointments shall be made from the States on a basis of population.

The CHAIRMAN. Why is it that he can except them from examination and still not except them from the classified service?

Mr. PROCTER. I think Congress——

Senator LODGE. Do you mean that when the President has excepted an office it still remains in the classified service?

Mr. PROCTER. Yes, sir.

Senator LODGE. And that a man who was appointed to an excepted place without examination can then be transferred to the classified service?

Mr. PROCTER. He can not, but the rules governing political assessments and removals for political reasons the law of Congress can apply independent of the question of examinations.

Senator LODGE. It practically amounts to being taken out of the classified service?

Mr. PROCTER. In practice it amounts to the same thing, becauseany

appointing officer can remove a man who is in an excepted place without giving any reason whatever, and he can appoint his successor without giving any reason whatever for that appointment or without asking for an examination.

Senator LODGE. The civil-service law does not interfere with removals at all, does it?

Mr. PROCTER. It does not.

Senator LODGE. That is left in the hands of the Executive entirely, is it not?

Mr. PROCTER. Altogether. The civil-service law, as shown in the debate, was not intended to interfere with the removals, except by implication that partisanship must be eliminated.

Senator LODGE. That was in the nature of suggestion, not in the nature of mandate, was it not?

Mr. PROCTER. Yes. I think it was recognized that the power of removal should be left with the Executive.

The CHAIRMAN. Do you understand that assistant district attorneys are excepted from the classified service?

Mr. PROCTER. Yes; all attorneys who practice in courts.

The CHAIRMAN. As the law now stands, is the Attorney-General at liberty to remove an assistant district attorney without giving reasons for his removal?

Mr. PROCTER. Certainly; if in an excepted place. Even the last order of President McKinley, the order of July 27, I think refers only to the removal of people who are in competitive places. Clause C of Rule VI says that "attorneys or assistant attorneys in any Department whose main duties are connected with the management of cases in court are excepted from examination." Therefore, to any attorney in the Government service who is excepted from examination the rule of July 27 would not be applicable.

The CHAIRMAN. He can be removed at the will of the appointing power?

Mr. PROCTER. I do not think he can be removed for political reasons.

The CHAIRMAN. But he can be removed without any reasons for his removal being stated?

Mr. PROCTER. He can be removed without any cause whatever being stated.

The subcommittee adjourned until Tuesday, February 1, 1898, at 10 o'clock a. m.

TUESDAY, *February 1, 1898.*

The subcommittee met at 10 o'clock a. m.

Present: Senators Pritchard (chairman), Lodge, and Harris; also, Hon. John R. Procter, president of the Civil Service Commission, Mr. E. D. Bailey, and Mr. G. R. Wales, of the Civil Service Commission, and Hon. H. M. Baker, acting president of the National Anti Civil Service League.

POST-OFFICE DEPARTMENT.

RAILWAY MAIL SERVICE.

TESTIMONY OF JAMES E. WHITE.

JAMES E. WHITE, being duly sworn, testified as follows:

The CHAIRMAN. Captain White, where do you reside?

Mr. WHITE. In Washington. My legal residence is in Chicago.

The CHAIRMAN. Are you employed in the Government service?

Mr. WHITE. I am.

The CHAIRMAN. What position do you occupy?

Mr. WHITE. I am general superintendent of the Railway Mail Service.

The CHAIRMAN. We shall be glad to hear any suggestions that you may have to make with respect to the operation of the civil-service law.

Mr. WHITE. Mr. Chairman, my experience in the service under the civil-service law has been very satisfactory indeed. The Railway Mail Service, as you know, is a service where the men are required to understand the distribution of nearly all the offices in the United States, and they have to study a great deal. They have to study the schemes of distribution and schedules of connection. We have found that we get under the civil service a class of men who pick up that knowledge quicker than those we used to get under the old system. In addition to that, we get a class of men who, as a rule, have better moral character and are physically stronger. Physical strength and endurance are very essential for our service.

Senator LODGE. How long have you been superintendent of the Railway Mail Service?

Mr. WHITE. I have been general superintendent since October, 1890. I was for nineteen years before that time division superintendent.

Senator LODGE. And since 1890 you have been superintendent of the whole service?

Mr. WHITE. Yes, sir.

Senator LODGE. Then you are familiar with the service both before and after the civil-service rules were adopted?

Mr. WHITE. Yes, sir. I came into the service as a route agent in March, 1866. I ran on the road for several years.

Senator LODGE. Before the adoption of the civil-service rules how were the appointments made?

Mr. WHITE. They were made upon the recommendation of influential people—Members of Congress and others—through the General Superintendent of the Railway Mail Service, acting for the Postmaster-General.

Senator LODGE. And with a change of Administration was there a general change in the clerks?

Mr. WHITE. The Railway Mail Service proper—that is, the railway

post-office service, was established in June, 1864, and there was no change, as you know, in the character or color of the Administration from that time until 1885, so that there were no incentives for removal except for cause; and practically we ran along with real good service, and pretty good men, too, right through up to that time.

Senator LODGE. Was there a general change in 1885?

Mr. WHITE. In 1885 and a few years succeeding there were very radical changes made. I have a little memorandum here on that point. From March 4, 1885, to March 3, 1886, there were 1,440 separations from the service. Five hundred and nine of those were resignations; 508 were removals; 394 men, at the expiration of the probationary period, were dropped; and there were 29 deaths—making a total of 1,440.

Senator LODGE. How large was the service then?

Mr. WHITE. The service then had about 5,000 clerks in it.

Senator LODGE. Those were the changes in 1886?

Mr. WHITE. Those were the changes from March 4, 1885, to March 3, 1886. Then in the following year, that is, from March 4, 1886, to March 3, 1887, there were 1,015 separations, 453 by resignations, 446 removed, 91 by expiration of probationary period, and 25 deaths. From March 4, 1887, to March 4, 1888, there were 329 resignations, 503 removals, 119 dropped at the expiration of the probationary period, and 41 deaths, making a total of 992. From March 4, 1888, to March 3, 1889, there were 664 resignations, 571 removals, 103 dropped at the expiration of the probationary period, and 32 deaths, making a total of 1,352.

Senator LODGE. In those four years, then, there was a shifting which amounted to almost the entire service, was there not?

Mr. WHITE. Yes, sir; it amounted to about 3,000. Then I go on and give the figures for each year.

The CHAIRMAN. We shall be glad to hear the statement.

Senator LODGE. Go on, please, with your statement.

Mr. WHITE. From March 4, 1889, to April 30, 1889—that was just a short period in there before the civil service took effect—there were 262 resignations, 1,438 removals, 262 dropped at the expiration of the probationary period, and 8 deaths, making a total of 1,932. In May and June, 1889, there were 109 resignations, 33 removals, 35 dropped at the expiration of the probationary period, and one death, making a total of 178. In the fiscal year ending June 30, 1890, there were 533 resignations, 242 removals, 150 dropped at the expiration of the probationary period, and 36 deaths, making a total of 961. In the fiscal year ending June 30, 1891, there were 454 resignations, 175 removals, 71 dropped at the expiration of the probationary period, and 43 deaths, making a total of 743. Shall I give the figures down to the present time?

Senator LODGE. Yes; we should like to get the general course of the changes.

Mr. WHITE. In the fiscal year ending June 30, 1892, there were 371 resignations, 146 removals, 70 dropped at the expiration of the probationary period, and 32 deaths, making 619 for the year. In 1893 there were 337 resignations, 131 removals, 28 dropped at the expiration of the probationary period, and 44 deaths, making a total of 540 for the year. In 1894 there were 219 resignations, 197 removals, 18 dropped at the expiration of the probationary period, and 34 deaths, making a total of 468. In 1895 there were 188 resignations, 171 removals, 10 dropped at the expiration of the probationary period, and 40 deaths, making a total of 409. In 1896 there were 181 resignations, 93 removals, 5 dropped at the expiration of the probationary period, and 44 deaths,

making a total of 323. In 1897 there were 136 resignations, 75 removals, 2 dropped at the expiration of the probationary period, and 60 deaths, making a total of 273. I submit the entire table to the committee.

The table referred to is as follows:

Changes in the Railway Mail Service during certain periods, as stated below.

Period.	Resignations.	Removed.	Expired.	Deaths.	Total.
Between March 4, 1885, and March 3, 1886	509	508	394	29	1,440
Between March 4, 1886, and March 3, 1887	458	446	91	25	1,015
Between March 4, 1887, and March 4, 1888	329	503	119	41	992
Between March 4, 1888, and March 3, 1889	664	571	103	32	1,352
Between March 4, 1889, and April 30, 1889	262	1,438	262	8	1,932
During May and June, 1889	109	33	35	1	178
In fiscal year ending June 30—					
1890	533	242	150	36	961
1891	454	175	71	43	743
1892	371	146	70	32	619
1893	337	131	28	44	540
1894	219	197	18	34	468
1895	188	171	10	40	409
1896	181	93	5	44	323
1897	136	75	2	60	273

Senator LODGE. Then, since the service went under the law, as I gather from hearing you read those figures, there has been a steady diminution in the number of changes from year to year?

Mr. WHITE. Yes, sir.

Senator LODGE. What was the effect of the large changes in 1885 and again in 1889?

Mr. WHITE. It destroyed the efficiency of the service very largely. We have a system, as you know, of checking errors made by clerks in the distribution. We had made the best record we ever made in the service up to that time with the fiscal year closing June 30, 1885. We had one error then in about every five thousand pieces distributed. When the changes occurred it commenced dropping and dropping down until we made one error in about three thousand. Then along toward the latter part of Mr. Cleveland's first Administration we commenced picking up again, and when the Harrison Administration came in it dropped down again to one error in between two and three thousand pieces. Since then we have been improving every year quite rapidly. In the last fiscal year we made one error in every eleven thousand pieces distributed. So the effect has been splendid upon the service.

Senator LODGE. That is, the number of pieces correctly assorted has trebled?

Mr. WHITE. Oh, yes, sir.

Senator LODGE. It has trebled since the service was made permanent.

Mr. WHITE. Yes, sir. There is one error to every eleven thousand and some odd pieces distributed correctly.

Senator LODGE. How about the class of men whom you get under the civil-service examinations?

Mr. WHITE. They are better men, physically, morally, and intellectually; that is, they have better mental capacity—better power to memorize. That is a very essential thing with us.

Senator LODGE. The work of the Railway Mail Service is a very constant test on all those qualities, is it not?

Mr. WHITE. Yes, sir; very. The whole physical system—muscular,

nervous, everything—is on a strain all the time when the train is running. There is the fact the men realize that they are in a hazardous position, of course. They are somewhat nervous on that account. Then, in order to preserve their balance in the car and distribute the mail correctly in the cases, they have got to have a strain on the whole muscular system. They have got to move with the train—that is, as it lurches they have got to preserve their balance, because every time they fail to hit a box they lose time in their distribution, and we have only so much time in the cars to work. We start when the train starts, or before it starts, and we have to get out when the train stops; the work is done; whether the mail is all completed or not, we have got to quit then.

Senator LODGE. The mail-car distribution has a good deal of effect on the rapid and accurate delivery of mails in the different towns, has it not? The distribution that takes place in the cars has a great bearing on the ultimate delivery of the mails?

Mr. WHITE. Oh, yes, sir. For instance, the mails are put off, as you know, at all the stations along every railroad, not only for the post-offices located at the stations, but all the post-offices they supply on star routes, and also for all connecting lines. The men have to have a knowledge of the star-route service as well as their own railroad service, because sometimes in making their distribution on certain days of the week they can strike a star route up at this end [indicating], and on other days in the week strike it down here [indicating], and where there is a three-times-a-week service they can really give them service six times a week in that way.

The CHAIRMAN. How many changes do you state were made in 1885?

Mr. WHITE. From March 4, 1885, to March 3, 1886, there were in deaths, removals, expiration of probationary period, and resignations, 1,440.

The CHAIRMAN. How many were made in 1889?

Mr. WHITE. There were 1,932. Pardon me, but in order to have the matter stated as accurately as possibly as between the two administrations, we ought to take into consideration the constant removals that occurred from March 4, 1883, until March 3, 1889. They were annually very much larger than they have been at any time since, except for that one year we have spoken of.

Senator LODGE. In 1889, of course; the service went under the law n May, did it not?

Mr. WHITE. Yes, sir; the 1st of May.

Senator LODGE. So those removals were made before.

Mr. WHITE. These occurred before that. There were a large number of men who had been removed before who were reinstated.

The CHAIRMAN. Were removals made in order to enable the Department to reinstate parties who had heretofore been removed?

Mr. WHITE. Partly for that purpose, but as a rule the Department exercised a good deal of judgment in selecting men to be retired who were the least efficient.

The CHAIRMAN. But a majority of those people were reinstated to positions from which they had been theretofore removed?

Mr. WHITE. Yes, sir; a great many of them were.

The CHAIRMAN. Those who were reinstated were efficient men, were they not?

Mr. WHITE. No, sir; not all of them.

The CHAIRMAN. Did the Department reinstate them knowing the fact that they were not efficient?

Mr. WHITE. Well, the truth of it was that the matter was done in too much of a hurry. They had only from March 4 until May 1, and they could not inquire into the character of the men very much.

The CHAIRMAN. Are they required, when you reinstate them, to undergo a probationary period, as they do in the beginning, when first appointed?

Mr. WHITE. Not always. If they have been out for a long time they are required to serve a probationary period, or rather they are given a sort of conditional appointment.

The CHAIRMAN. How many years had you observed the rule requiring a probationary period of six months prior to the time when the railway mail was included in the classified service?

Mr. WHITE. It is in distribution. The average, I think, on heavy lines for men would run somewhere about fifty a month. That is about the number that we considered a fair record. If a man did not exceed that we thought he made a very fair record on a heavy line.

The CHAIRMAN. How long has it been that you have required individuals to stand an examination or, at least, to undergo a probationary period before they were appointed permanently?

Mr. WHITE. That has been done for a great number of years. Long before we went under the civil service we had probationary terms.

The CHAIRMAN. Is that done in order to demonstrate the fitness of the applicant?

Mr. WHITE. Yes, sir; he is given a probationary appointment, which expires absolutely at the end of six months.

The CHAIRMAN. Suppose an individual stands a civil-service examination; is he then capable of taking a car and making a run, or does he have to undergo the probationary period before he is qualified?

Mr. WHITE. It is in this way. The civil-service regulations provide that we shall have one certified substitute for every ten men regularly appointed to the service. Those men were originally certified to us when that rule was adopted by the Civil Service Commission, and were selected by us and put on the list. Those men remain on that list until they are given a regular appointment, no matter how long they stay there.

The CHAIRMAN. In the meantime they are learning to perform their duties?

Mr. WHITE. In the meantime they are required to perform emergency service and to pass the same examination as men regularly in the service, fitting themselves for their positions.

The CHAIRMAN. Have you any suggestions to make with respect to the operation of the civil-service law so far as it applies to the Railway Mail Service?

Mr. WHITE. No, sir; I have not any to make.

The CHAIRMAN. It is entirely satisfactory to the Department at present?

Mr. WHITE. Yes; the Railway Mail Service is entirely satisfactory.

Mr. PROCTER. I notice in your statement that prior to classifying the Railway Mail Service you sometimes dropped as many as 150 a year on probation, and that last year you dropped only 2.

Mr. WHITE. Yes, sir.

Mr. PROCTER. You had practically the same tests?

Mr. WHITE. Yes, sir; the same tests exactly.

Mr. PROCTER. So that would be a demonstration, would it not, that the character of men was very much improved?

Mr. WHITE. Yes, sir. There is this in favor of the certified substi-

tutes, of course: They have the time they remain on the certified substitute list to acquire a knowledge of the distribution and to perform emergency service. They become familiar with the service somewhat in that way, so that they can take up a regular run when their turn comes for appointment.

Mr. PROCTER. Do you not consider it advantageous to your service that a man who has once been removed for delinquency or misconduct can not under the rules be reinstated?

Mr. WHITE. Yes, sir; I certainly do.

Mr. PROCTER. And that was not the case prior to the application of the civil-service rules?

Mr. WHITE. No, sir.

The CHAIRMAN. Is there no exception to that rule?

Mr. WHITE. This is where a man is removed for such offenses as intoxication and gambling and crime.

Mr. PROCTER. Do you not consider that in addition to getting a better class of men the efficiency of the service is also improved by the fact that in your service the men who have been immediately charged with its administration have had a more stable tenure than in some other services of the Government?

Mr. WHITE. Oh, yes, sir; I think that is true. It is true of our service, as you know, that every man who is an officer in it ran on the road when he first came into the service. That is true of every chief clerk and every superintendent.

Mr. PROCTER. And the administrators of the service now are men who have been promoted from the ranks?

Mr. WHITE. Yes, sir.

The CHAIRMAN. Speaking of the question of tenure, at what age do you retire the clerks in the Railway Mail Service?

Mr. WHITE. Never until they become absolutely inefficient by reason of long service or injuries received.

The CHAIRMAN. Are they permanently retired from the service, or do you transfer them to some other Department?

Mr. WHITE. We try to transfer them. When those who run on heavy lines become incapacitated we try to transfer them to lighter lines, and of course whenever we can help them to get a light position, or to get into the Department anywhere, we do that. We try to take care of the faithful men who have become worn-out in the service.

Mr. PROCTER. There is just one more question that I intended to ask. Do you not think that the promotion regulations which promote men on their efficiency record, and would also demote them for errors, ought to do away, automatically, with the fear which has been expressed in some quarters that the civil-service law has a tendency to give a life tenure?

Mr. WHITE. Yes, sir. In other words, I look at the matter in this light: Every man in the service realizes now that his tenure of office is in his own hands. If he behaves himself and is efficient and courteous to the public, and all that, he is pretty sure of retaining his place. He knows that he will not be retained in his position if he is not efficient or if he has bad habits.

The CHAIRMAN. What per cent of those reaching a certain age are transferred to some other Department?

Mr. WHITE. I could not state, but the number is very small.

The CHAIRMAN. You are not able to state the percentage?

Mr. WHITE. No, sir; it is so small that it is hardly worth considering.

The CHAIRMAN. I do not understand you to say that you favor a life tenure.

Mr. WHITE. Oh, no, sir; I favor retaining a man in the service as long as he is capable and efficient.

The CHAIRMAN. Just so long as he is capable and efficient?

Mr. WHITE. Yes, sir.

The CHAIRMAN. You think, then, that he should be permanently retired when he reaches an age where he is unable to perform the duties?

Mr. WHITE. I think he should. I am in favor of a relief bill, a sort of superannuation act, without expense to the Government; a fund to be made up from, say, 2 per cent held from the salaries of the clerks, they to create their own fund.

The CHAIRMAN. You do not think it would be wise for the Government to contribute to that fund?

Mr. WHITE. I think it would be wise, but I do not think it ever will be done.

Mr. BAKER. Captain, have you ever made any calculation to see whether 2 per cent retained from the salaries would be sufficient to meet the emergency fund?

Mr. WHITE. We have made calculations on that point. It has been done not only in my office, but the Railway Mail Service Association of Postal Clerks have made calculations, too. I started out in 1891 with a recommendation for a superannuation act. I put it then at 1 per cent, but I became satisfied afterwards that that would not cover it. However, I think 2 per cent would. Of course, it is a mere matter of conjecture now. The time will come when a great many men will become incapacitated, probably within a very limited period.

The CHAIRMAN. We are very much obliged to you, Captain.

Mr. WHITE. I am very much obliged to you, sir, for your consideration.

The CHAIRMAN. We are very glad to have had you with us.

NAVY DEPARTMENT.

NAVY-YARD SERVICE.

TESTIMONY OF HENRY H. BROGDEN.

HENRY H. BROGDEN, being duly sworn, testified as follows:

The CHAIRMAN. What is your present occupation?

Mr. BROGDEN. I am the first clerk in the Washington Navy-Yard.

The CHAIRMAN. Mr. Procter, do you desire to examine Mr. Brogden?

Mr. PROCTER. I should like to ask Mr. Brogden what his experience has been in the application of the civil-service rules to the force in the Department, both clerical and mechanical?

Mr. BROGDEN. It has improved the force wonderfully, sir; both.

Senator LODGE. How long have you been at the yard, Mr. Brogden?

Mr. BROGDEN. I have been at the yard since 1893.

Senator LODGE. The whole force is now under the civil-service law, is it not?

Mr. BROGDEN. Yes, sir; the whole force.

Senator LODGE. The mechanical force was under the departmental order when you came there, was it not?

Mr. BROGDEN. Yes, sir; that departmental order went into force on the 1st of September, 1891. It has been extended and improved very much since. For the first two years of my service at the navy-yard I was chief clerk to the labor board and had this directly under my charge.

The CHAIRMAN. By what method do you select the appointees at the navy-yard?

Mr. BROGDEN. Do you mean the clerical or the mechanical force?

The CHAIRMAN. The mechanical force.

Mr. BROGDEN. There is a board of labor there, where all applicants register. When mechanics or laborers are required by any department in the yard they make a requisition on the labor board for as many as they want, describing the character of mechanics they want, machinists, or blacksmiths, and so on. Then that requisition is filled from the highest of those registered with the labor board, preference being given to the veterans first, those who have had service in the field; next, those who have honorable discharges who have never been in the field; and then those who have had navy-yard experience and were discharged without any fault of their own, for want of money or for want of work, and who were discharged with the character of excellent in conduct and workmanship.

The CHAIRMAN. Are the ordinary laborers classified?

Mr. BROGDEN. The ordinary laborers are classified.

The CHAIRMAN. So there is no exception?

Mr. BROGDEN. There is no exception, sir, and it is rigidly enforced.

The CHAIRMAN. How do you select the clerical force?

Mr. BROGDEN. The clerical force is selected now through the civil service.

The CHAIRMAN. You say "now." How long have you been selecting the clerical force through the civil service?

Mr. BROGDEN. The yards were put under the civil service in 1896, if I am not mistaken.

The CHAIRMAN. In May, 1896?

Mr. BROGDEN. Yes, sir; in May, 1896.

The CHAIRMAN. Have you any suggestions to make in regard to the amendment of the law with respect to the navy-yards?

Mr. BROGDEN. I think it would be very injurious if the law were repealed. We get a very much better character of people in every way, in the clerical or semiclerical force.

The CHAIRMAN. I understand you to say, then, that the present method is entirely satisfactory to that department?

Mr. BROGDEN. Entirely, sir; entirely, in every way.

Senator LODGE. The labor board of which you speak is composed of naval officers?

Mr. BROGDEN. It is composed of three naval officers, the departments employing the largest number being represented on the board.

Mr. PROCTER. Have you any other suggestions to make?

Mr. BROGDEN. No, sir; I would simply state that recently we had occasion to fill some vacancies through the civil-service board, and Mr. Pay Inspector Putnam, who is general storekeeper of the yard, who receives and disburses all the stores used there, told me the other day that so efficient were the men he secured through the civil service that he had been able to dispense with the services of two men, saving $1,200 thereby. Of course, you gentlemen will understand that these men are not familiar with the routine duties of the offices when they come there.

The CHAIRMAN. You have to teach them?

Mr. BROGDEN. But they catch on very much sooner than the others. The groundwork that they have is of very great benefit to them in those matters. We have a semiannual report of the efficiency of every clerical employee in the yard, and those who fall below a minimum of

70 are reported to the Secretary, and in every case they have been dropped.

Mr. PROCTER. Would not that practice do away with the fear of life tenure?

Mr. BROGDEN. Undoubtedly, sir.

Mr. PROCTER. So when all the departments inaugurate the same promotion system which Secretary Long and Assistant Secretary Roosevelt have applied to the clerical force, not only in the department but in the navy-yards, people will be dropped out of the service as soon as they cease to be efficient?

Mr. BROGDEN. Yes, sir.

Mr. PROCTER. And it will be automatic?

Mr. BROGDEN. Yes, sir. On the semiannual examination that I speak of a man is reported as to the character, quantity, and quality of his work.

Mr. PROCTER. You have no difficulty in rating them under that system?

Mr. BROGDEN. None whatever, sir.

Mr. PROCTER. This is all I care to ask, Mr. Brogden.

TESTIMONY OF JOHN R. PROCTER—Continued.

The CHAIRMAN. Mr. Procter, you can proceed. I believe Senator Lodge had concluded his examination, and you may proceed with your statement.

INDIAN SERVICE.

Mr. PROCTER. Before I proceed I should like to answer some questions which were propounded by yourself and Senator Lodge as to which I did not then have the data at hand. You asked me about the transfer of Mr. Thomas P. Smith in the Indian service.

A certificate for this transfer was issued under the proviso of Rule X, clause 5, which is as follows:

"Transfer shall not be made from a position not classified under the civil-service act to a classified position: Provided, that a person who, by promotion or transfer from a classified position, has entered a position appointment to which is made by the President, by and with the advice and consent of the Senate, and has served continuously therein from the date of said promotion or transfer, may be retransferred from said Presidential appointment to the position from which so transferred or to any position to which transfer could be made therefrom."

The CHAIRMAN. Was Mr. Smith originally transferred from a classified place?

Mr. PROCTER. Yes, sir; he was promoted.

The CHAIRMAN. What place did he occupy?

Mr. PROCTER. On his record of previous service as agency clerk at San Carlos, Ariz., and Indian agent at the Osage Agency, Mr. Smith was, on April 26, 1893, appointed by the Secretary a special Indian agent. On November 6, 1893, he was, after confirmation by the Senate, promoted by the President to the position of Indian inspector, in which he served until he was appointed by the President, January 19, 1895, Assistant Commissioner of Indian Affairs, by and with the advice and consent of the Senate. His resignation from this position took effect the 16th ultimo.

The CHAIRMAN. Which place was it that was in the classified service

from which he was transferred—the Osage Indian Agency or the clerkship at San Carlos?

Mr. PROCTER. I do not remember which place he was transferred back to.

The CHAIRMAN. I mean from which place was he transferred originally? Was he transferred from the Osage Agency? Was the Osage Agency at the time of his transfer in the classified service?

Mr. PROCTER. I can not say now, but I will bring you the entire file. I have the file. I should like to say here that every original appointment, transfer, or reinstatement made on certificate of the commission is on file, and it will be no trouble for the commission to bring in any of those papers.

The CHAIRMAN. Why is this particular exception made?

Mr. PROCTER. By order of the President.

The CHAIRMAN. Do you know the reason for making such an exception?

Mr. PROCTER. I think it was believed that it would be advisable to hold out the hope of promotion, so that persons like Major White, who has just given his evidence, might be promoted to a Presidential position and that the Government should not lose his valuable services if it was deemed advisable to retransfer him from that Presidential position to an original position which he held in the classified service, or to any position to which he would be eligible to transfer. from that position, in the classified service.

The CHAIRMAN. How long had Mr. Smith been out of the classified service at the date of his transfer to the classified service again?

Mr. PROCTER. Since 1895, I think. The matter of Mr. Smith's eligibility for transfer was looked into, and it was found on examination that he was eligible under the rules and the transfer was made.

The CHAIRMAN. It was called to my attention by the present Commissioner of Indian Affairs, who is of the opinion that he was not eligible to transfer.

Mr. PROCTER. It was on the letter from the Commissioner of Indian Affairs and the Secretary of the Interior and an investigation made by the commission that it was found that he was eligible to transfer.

The CHAIRMAN. It was under this rule that he was transferred?

Mr. PROCTER. Under that rule the transfer was made.

GOVERNMENT PRINTING OFFICE.

I was mistaken in my answer to Senator Lodge's question as to the number of people appointed by Public Printer Palmer between the dates of March 1, 1893, and May 1, 1894. It was 572. I stated that it was between 700 and 900. Was that your question—between those dates?

Senator LODGE. I asked you how many changes Mr. Palmer made during that period, when he held over under Mr. Cleveland's Administration.

Mr. PROCTER. It was 572.

Senator LODGE. I remember that you stated that you thought it was about 700.

Mr. PROCTER. That would be a little more than 21 per cent of the whole number. If you deduct 21 per cent from the 69 per cent which I gave, even supposing the entire number to have been Democratic, it would make it 48 per cent instead of 45 per cent, which I give as the result of the investigations made by the Civil Service Commission as to

the politics of the people in office, in answer to Public Printer Palmer's statement.

The next point, Mr. Chairman, which I wish to take up is this: I spoke about the inclusions made by the May 6 order, but I did not refer to removals from excepted places. It was one of the most important features of the May 6 order that it reduced very largely the number of excepted places.

I do not believe the original law contemplated exceptions by class, but contemplated specific exceptions. You may remember from the debates which I quoted when I was last before your committee that it was stated that all of these positions, high and low, should be open to all persons to compete upon equal terms, and whenever you except a place from examination you deprive the people of the country from competing on equal terms for that place.

The only authority for exception is in section 7 of the law, "That after the expiration of six months from the passage of this act no officer or clerk"—it does not say "no class of clerks or officers"—"shall be appointed, and no person shall be employed to enter or be promoted in either of the said classes now existing, or that may be arranged hereunder pursuant to said rules, until he has passed an examination, or is shown to be specially exempted from such examination in conformity herewith."

One of the eight fundamental principles of the law is that competitive examinations shall be held for all positions, so far as practicable. I am inclined to think that a mistake was made, after the classification, in excepting such a large class, and that was demonstrated by the fact that there was a continual growth of excepted places. Notwithstanding we can not find that there were over 1,400 places excepted by Executive order, yet when the President, on May 6, 1896, removed certain classes from the excepted, we found, although he left over 700 places in, that there were over 4,000 taken out. About 1,000 of those places probably can be accounted for by the gradual growth of the extension of the classification to post-offices, but the remainder was an unnatural growth. For instance, the chiefs of divisions and similar positions had increased in the departmental service in Washington from 70 to 250; confidential clerks had increased from 40 to 61; chief clerks had increased from 25 to 49; and there was a growing tendency in all of the Departments to increase the number of positions when excepted, and persons were appointed to those excepted places who did not perform the duties.

For instance, plate printers were excepted because it was considered that you could hold a proper examination for plate printers in certain Departments—very skilled positions. I have known messengers to be appointed as plate printers who never changed their duties as messengers, although they received the high salary which should properly be paid to a skilled plate printer.

Confidential clerks and private secretaries were appointed who did ordinary clerical work, and in many instances were never seen by the officer to whom they were accredited, and the duty was performed by some subordinate clerk in the Department. Frequently those persons were the relatives of the persons to whom they were accredited. The evils were very much greater, I think, in the post-offices and custom-houses outside of Washington. For instance, in the early part of 1893 over 500 post-offices, containing each from 6 to 50 employees, were placed within the operation of the civil-service law and rules. When the Administration changed, in 1893, and when the new postmasters began to be appointed in the newly classified offices the commission experienced

a great deal of difficulty in keeping the number of excepted places in the new offices within the intent of the rule permitting the exceptions of superintendents, custodians of money, etc.

The investigations made by the commission seemed to indicate that numerous places were excepted for the purpose of permitting a postmaster to remove the Republican incumbents and to appoint Democratic successors without examination and certification. As an illustration of the method which was followed, the exceptions which were made in the post-offices at Portsmouth, Ohio, and Raleigh, N. C., may be cited. An investigation made at Portsmouth showed that some time before the new postmaster's appointment, but after it was settled that he was to be the next postmaster, he visited Washington upon official business before the Department. When he returned from Washington he brought with him a slip of paper, which was prepared in one of the divisions of the Post-Office Department, which showed how the roster titles of his clerks could be changed in order to make it appear that certain positions might be excepted because the occupants were custodians of money.

In one case, at Portsmouth, Ohio, a position was excepted for the reason that the occupant issued money orders and attended to the registry business when the chief and money-order clerk was out of the office for his meals. He probably spent about one-half hour each day in attending to the money-order and registry window, the rest of his time being given to the duties of mailing clerk.

In Raleigh, N. C., it appears that the roster titles were changed in order to permit certain exceptions. Perhaps this case may best be illustrated by a quotation from a letter written by former Postmaster A. W. Shaffer to the commission under date of July 13, 1894. The letter referred to reads as follows:

"The postmaster says he don't like Republican clerks, but he don't say anything about 'politics.' He says he went to Washington to see Hon. Frank Jones, who sent for my ancient friend Scott, of ye salary and allowance division, and ordered him to change the designation of registry clerk from registry and stamp to registry and money-order clerk, and the general-delivery clerk to general-delivery and stamp clerk, to the end that ye postmaster might bounce both Republicans without charges and induct their Democratic successors without examination, but he didn't say 'politics' nary time—leastways, if he did, Mr. Cleveland's 'wild horses' couldn't pull the acknowledgment out of the postmaster."

We tried to get him to say that, but he would not.

"Well, the registry and stamp clerk was duly notified that he had been rechristened as registry and money-order clerk, and that his services would be dispensed with on a certain date; and on that date he was discharged, without offense, and his successor, the son of the postmaster, became his successor without examination. Nothing was said about 'politics.' The general-delivery clerk was also informed that he had been born again, christened 'general-delivery and stamp clerk,' and his services would be dispensed with on the 15th instant, to be succeeded by one Womble, a good and faithful Democrat, without examination. Neither of these rechristened clerks have accepted their newly discovered places, qualified thereon according to law, or been relieved from or ceased to perform the duties of the offices to which they were originally assigned, and in which they were promised the protection of law.

The CHAIRMAN. What action was taken in that case?

Mr. PROCTER. I will get to that.

I think that indicates how the excepted by title and designation and class is susceptible of abuse; and it is not the abuse of one Administration. It has been the abuse of every Administration. I could give you numerous instances where the commission did protest and tried to correct those abuses which we thought were a violation of at least the spirit of the law, but the commission was powerless to correct it, and it could only be corrected by the order of the President of May 6, which removed all these places from the excepted class, and that has cured it.

The CHAIRMAN. They have been removed since then?

Mr. PROCTER. On May 6. The practice can not be carried out under that provision. But under the present Administration a complaint has been received which shows that a clerical position in the Key West (Fla.) custom-house——

The CHAIRMAN. How many places are excepted now in the Raleigh, N. C., post-office?

Mr. PROCTER. Two places, I think.

Mr. WALES. Probably two.

Mr. PROCTER. It depends upon the size of the office. I think there are probably two places.

Under the present Administration a complaint has been received which shows that a clerical position in the Key West, Fla., custom-house was abolished and in its place the position of cashier was created. This caused the separation of a person who was deprived of a hearing under the provisions of the President's order of July 27, 1897, and permitted the appointment of a suceessor without examination and certification.

At Bridgeport, Conn., the occupant of the position of deputy collector and inspector was separated from the service, and in his place a new position with the same title was created but was excepted because, as stated by the Department, the occupant was to perform the duties of cashier. Previous to this exception, however, another person had been excepted in the same district because he performed the duties of cashier.

The Key West, Fla., and Bridgeport, Conn., cases are now under consideration.

In addition to what I have said about the intent of the law, as shown in the debates, I should like to give you an extract from some remarks of Senator Trumbull. It is a short extract from a speech in the Forty-first Congress, showing that appointments in the way I have indicated were unconstitutional, in his mind. The extract is as follows:

"Practically, however, appointments have not for some years been made, either in the constitutional mode by the President, by and with the advice and consent of the Senate, or by the President and heads of Departments alone, in pursuance of law vesting them with that authority. Nominally appointments are so made, but in reality they are dictated and controlled in a vast majority of cases by an influence unknown to the Constitution or laws.

"Every Senator and Representative in the other House knows that appointments, in most cases, are dictated by them, and that the President and heads of Departments are not left free to make selections with an eye single to the public good."

On the same subject Senator Sherman said:

"It is known that in the Departments in Washington there are a great many more clerks than would be needed if those there were capable, efficient, and faithful officers, and it is known that many of them are put in merely as a reward for political service."

* * * * * * *

"You will never be able to pass through Congress a bill for civil-service reform separating the civil service in the Executive Departments entirely from the legislative until the unconstitutional habit that has sprung up in this country of allowing Members of Congress to control appointments is broken up."

As I stated when I was last before the committee, these excepted places are usually filled, so far as the information of the commission goes, not at the will of the appointing officer, but through pressure from outside; and with the removal of these places from the excepted class, and the wide latitude which has been given for transfers and reinstatements, the appointing officer now has a wider latitude of choice than he had before.

I wish to take up the navy-yard matter, but I will leave it until Mr. Roosevelt comes.

I should like to submit, Mr. Chairman, a few facts demonstrating the economy resulting from the extensions which I have described and the removal of those positions from the excepted places. As bearing upon the question of economy and efficiency in the classified service, I present some statistics, prepared in 1896, and also some statistics recently prepared relative to the growth of the classified and the unclassified branches of the service in the Departments at Washington.

It appears from these statistics that between 5,000 and 6,000 positions were originally classified in Washington. Since 1883 the increases in some of these positions have been practically offset by decreases in others, and the positions originally classified are about the same in number as they were when the commission was organized. The increases in the classified positions in Washington have therefore nearly all been made by the extensions of the rules to cover unclassified or excepted positions. On the other hand, the unclassified positions increased up to the time of their classification 37 per cent in number and 43 per cent in salaries. Nearly all of the positions which were originally classified were clerical positions, although there were some technical and scientific places among them, which, however, were relatively very small in number.

In the accompanying table is shown by Departments the number of clerks in 1873, the number in 1883, and the number in 1896. These tables were prepared from the official registers, and are therefore substantially correct. It will be observed that from 1873 to 1883, covering a period of ten years of the so-called spoils system, the number of clerks increased from 3,278 to 5,523, an increase of 2,245, or 68 per cent; while from 1883 to 1896, or during the thirteen years of the merit system, the number of classified clerks in the eight Executive Departments decreased from 5,523 to 5,312, a reduction of 211, or over 3 per cent. This decrease occurred in the number of clerkships, although since 1883 a new Executive Department (the Department of Agriculture) has been created, while there have been large increases in the work of the other Departments and bureaus.

This confirms the statements made by Senators when the civil-service bill was under discussion in 1883 that the Departments contained at that time many unnecessary employees. Had the classified clerkships in the eight Executive Departments in Washington increased in number from 1883 to 1896 at the same rate as the clerical positions increased during the preceding ten years, it would require an additional expenditure for salaries of clerks in this city amounting to over $4,000,000. On the contrary, from 1883 to 1896 there was an actual decrease in the number of classified clerks, as well as in the salaries paid, while the unclassified and other positions not subject to competi-

tive examination until within the last two years have increased 37.6 per cent in number and 43 per cent in salaries.

While there have been increases in some of the positions originally classified, especially in technical and scientific places, those increases have been offset by decreases in other positions; besides, such increases as have been made are proportionately very small as compared with the large increase in the amount of work to be performed. Increases have occurred in some bureaus and offices according to the actual needs of the service, and are easily explained. For instance, there has been an increase in the force of examiners at the Patent Office as the result of the increase in the number of inventions. As shown by the Patent Office reports, the work done by that office since 1883 is equal to all of the work done by the office previous to that date. There were in round numbers 300,000 patents issued up to 1883; there have been up to date over 600,000 patents issued.

It should be stated that the Patent Office has had a system of examinations for more than thirty years, and before the civil-service law was passed the technical positions in that office were not subject to political influence like the clerical and other nontechnical places in the Departments. The force of examiners, as claimed by the Commissioner of Patents, was barely adequate to carry on the work of the office. The Patent Office therefore did not have a surplus of examiners in 1883, and the increases in the force since that time have been based on the actual needs of the service, growing out of the enormous growth of the patent business and the wider field of search now required of examiners in handling cases. In this connection it should be stated that, as the Patent Office is on a paying basis, the increase in the examining work results in an increase in the revenue of the Government.

On the other hand, as showing the little need of increasing the clerical positions when there was a surplus of clerks, it may be stated that there has been a remarkable growth in the postal business since the enactment of the civil-service law, yet the tables show that in 1883 there were 398 clerks employed in the Post-Office Department and 417 in 1896, an increase of only 6 per cent. The work in that Department, therefore, has increased out of all proportion to the increase in the force of clerks. During the ten years preceding the enactment of the civil-service law the force of clerks in that Department increased in number 45 per cent.

Such increases as have occurred in the Department of Agriculture have been the result of legislation, that Department having been created since the enactment of the civil-service law, with a field of scientific employment not previously assigned to any other Department, except in a limited way to the former Commissioner of Agriculture.

There has been some increase in the force of the Bureau of Engraving and Printing since 1883. One item may be mentioned in explanation of this increase: The work of engraving the postage stamps, previously done by contract, was in July, 1894, assigned to the Bureau of Engraving and Printing, and in consequence there was a necessary increase of about 200 in the force of that Bureau, but this expense was saved on the work formerly done by contract.

It was not claimed by those who advocated the enactment of the civil-service law that it would absolutely stop increases in classified positions, but it was confidently claimed that unnecessary increases in positions would be checked, improved methods would be adopted, and superfluous work would be no longer done. These results have, in a large measure, been accomplished, as stated in the reports of the various officials of the Departments. For instance, the Chief of the Bureau

of Engraving and Printing states in his annual report that the force has increased 11 per cent, while the work has increased 77 per cent. The increase in the work is largely in excess of the increase in the force, an evidence that economy and efficiency have resulted from the application of the civil-service rules to that office, which was admitted to be crowded with unnecessary employees before the civil-service law was passed.

The Railway Mail Service furnishes another striking example of the workings of the civil-service rules. The report of the general superintendent for the fiscal year ended June 30, 1897, shows that the number of pieces of mail distributed in 1889, when the civil-service rules were applied, was 7,026,837,130, while in 1897 the number of pieces of mail handled was 11,571,540,680. During the same period the number of railway mail clerks increased from 5,448 to 7,573. This is an increase of 39 per cent in the clerks and of 77 per cent in the number of pieces of mail distributed. The number of errors in distribution in 1889 was 1 in 3,954 pieces of mail distributed, while there has been such a steady improvement in the efficiency of that service under the civil-service rules that the number of errors in 1897 was only 1 in 11,960 pieces of mail distributed. It will thus be seen that there has been an extraordinary increase in the accuracy with which the work is now being done in that service. It should be stated that the Railway Mail Service has a larger proportion of appointees through the examinations of the commission than any other branch of the public service.

Experience therefore demonstrates that the civil-service law has proved to be a constantly exerted and effective force in the direction of economy. In fact, the large extension of the civil-service rules in May, 1896, to include positions previously unclassified has already brought to light a number of unnecessary positions. Quite a number of these have been abolished since their classification, especially in the Treasury Department. As there was no need for the work done in these positions, and as they could, under the extension of the civil-service rules to cover them, be filled only through certification of the commission, the appointing power decided not to fill the vacancies, but to return the money into the Treasury. As an instance, the last report of the supervising special agent of customs says:

"During the past six months the cost of maintaining this division has been reduced $35,102.50 per annum, without detriment to the efficiency of the force, the services of 10 special inspectors of customs and 10 Chinese inspectors having been discontinued."

A report of the Commissioner of Immigration shows a decrease of $76,526 by the abolition of useless places. A report of the Supervising Architect also shows a saving in salaries.

Had the positions above mentioned remained as "spoils," political influence would have demanded that they be filled, even though the prospective occupants of the positions would have had no work to perform. It will be seen, therefore, that the classified positions having been withdrawn from political control, there is now little object in increasing their number by legislation or otherwise. The tendency is to lessen the number.

The late Assistant Secretary of the Treasury, Charles S. Hamlin, who was in direct charge of the collection of customs, makes the following statement in a communication to the commission:

"As to the application of the civil-service rules to that branch of the Government service relating to customs, from the experience I have had in the Treasury Department during the past four years I am of the

opinion that there has resulted a saving to the Government of at least 25 per cent in cost. From the point of view of efficiency I believe the saving to have been greater."

A similar opinion is expressed by the present Assistant Secretary of the Treasury, William B. Howell, in charge of the same branch of work. It will thus be seen that the civil-service law serves as a check upon extravagance by decreasing the number of unnecessary positions in the public service; and by increasing the efficiency of the employees actually needed it tends to decrease expenditures for salaries and in other directions. In addition it affords much relief to public officials from the importunities of applicants and others for positions. Those officials are now permitted to attend to the more important questions affecting wide domestic and foreign policies and are not distracted by the distribution of patronage. The cost of the maintenance of the commission is therefore very slight when compared with the large savings that are resulting from the enforcement of the civil-service rules in the classified service.

The commission has been informed upon good authority that in two of the great Departments of the Government alone the cost per annum of making appointments under the spoils system was greater than the present yearly cost of the Civil Service Commission.

The commission has thus taken the liberty of inviting your attention to the question of economy and efficiency in the classified service, as it is satisfied from the data at hand and the reports of officials that the application of the civil-service rules to the public service is resulting in an annual saving of millions of dollars.

Statement showing increases and decreases in the clerical force of the several Executive Departments from 1873 to 1883 and from 1883 to 1896.

	State.	War.	Treasury.	Navy.	Post-Office.	Interior.	Justice.	Agriculture.	Totals.
Clerks of class 4:									
1873	6	21	248	8	15	46	11	4	359
1883	11	82	180	9	26	118	7	3	436
1896	11	86	169	11	28	132	9	6	452
Clerks of class 3:									
1873	6	44	362	13	63	95	6	5	594
1883	4	103	293	12	89	171	6	4	682
1896	4	107	270	16	91	173	10	14	685
Clerks of class 2:									
1873	3	120	459	13	50	166	4	6	812
1883	7	194	355	17	65	499	4	7	1,148
1896	8	193	318	18	77	457	11	31	1,113
Clerks of class 1:									
1873	8	172	348	9	75	208	5	7	832
1883	14	670	334	22	112	545	7	12	1,716
1896	15	391	349	30	102	615	10	56	1,568
Clerks of class $1,000:									
1873	0	a 125	17	0	0	11	0	0	153
1883	4	161	124	9	31	337	0	20	686
1896	5	143	201	17	68	394	0	48	876
Clerks of class $900:									
1873	0	30	324	0	59	112	0	3	528
1883	10	35	363	5	69	259	0	0	741
1896	8	2	237	10	51	238	0	8	554
Clerks of classes below $720 to $840, and per diem employees:									
1873	0	0	0	0	0	0	0	0	0
1883	0	7	77	0	6	4	0	20	114
1896	0	0	33	5	0	12	0	14	64
Totals:									
1873	23	512	1,749	43	262	638	26	25	3,278
1883	50	1,252	1,726	74	398	1,933	24	66	5,523
1896	51	922	1,577	107	417	2,021	40	177	5,312

a These were "general service" clerks, transferred to the civil list in 1882.

The figures given in the above table were prepared from an examination of the official registers of the United States. There may be some slight variations from these figures by comparison with the registers of the several Executive Departments, but it is not believed that any material discrepancies will be found.

As Mr. Roosevelt has come in, I will step aside that he may be heard.

NAVY DEPARTMENT.

TESTIMONY OF THEODORE ROOSEVELT.

THEODORE ROOSEVELT, being duly sworn, testified as follows:

Senator LODGE. You were a Civil Service Commissioner here?

Assistant Secretary ROOSEVELT. I was.

Senator LODGE. For how long?

Assistant Secretary ROOSEVELT. For six years.

Senator LODGE. What is your present position?

Assistant Secretary ROOSEVELT, Assistant Secretary of the Navy, and between times for two years I was the president of the police board of New York.

Senator LODGE. Therefore, you have had experience with the civil service both as a Civil Service Commissioner and as an executive officer?

Assistant Secretary ROOSEVELT. I have.

Senator LODGE. Will you state to the committee what your general policy and object were when you were president of the Civil Service Commission in carrying on the work there; I mean in the way of examinations, etc.?

Assistant Secretary ROOSEVELT. It was to institute as practical a series of examinations as possible, to conduct examinations with the double purpose of getting the most fit employees into the Executive Departments, and of ruling out politics in the appointing, promoting, reducing, or dismissing of men.

Senator LODGE. Were there large extensions while you were there?

Assistant Secretary ROOSEVELT. There were very considerable extensions while I was there; nothing like so large, however, as the last extension made a couple of years ago, which, as a matter of fact, I do not think we could have handled during the time I was there.

Senator LODGE. When these extensions were made were there not embarrassments at first in getting the quotas, etc., organized?

Assistant Secretary ROOSEVELT. Invariably; it was impossible at first to prevent a great deal of dislocation in any service in which the extensions were made, and there were always hitches and troubles, and we would make an experiment and find that it did not work, and have to abandon it and try another experiment. There was always a great deal of trouble whenever we applied the system to a new branch of the service, and, curiously enough, not infrequently there would be the most trouble in a branch in which later on the system worked perfectly.

Senator LODGE. Therefore it is impossible to judge of the effect of the reform system on a given class of employees until there has been some little time to establish the quotas and devise examinations, etc.

Assistant Secretary ROOSEVELT. Usually it is impossible so to judge. Sometimes the improvement is manifest from the very beginning.

Senator LODGE. I should like to ask you, as you have passed from

the Civil Service Commission to an Executive Department, what is your practical experience with the classified service?

Assistant Secretary ROOSEVELT. My practical experience as police commissioner and as Assistant Secretary of the Navy not only convinces me that the application of what is called civil-service reform to these departments works an improvement, but that it is practically indispensable if really good work is to be gotten out of the two departments.

If to-day, as to the Navy Department, the law was abolished, the Department, in self-defense, would have to reestablish it, so far as it might by departmental regulations, if it was to get really good service out of the Department; and if you wish I can give you some examples of what I mean and some reasons for the statement I make.

Senator LODGE. I shall be very glad to have you do that, but I wish to ask you one question before you come to it. What would be the effect on the time of the head of the Department, you may say, supposing that the yards and the Department itself were all deprived of civil-service regulations?

Assistant Secretary ROOSEVELT. It would mean that the great part of the time of every officer, who ought to be engaged in the transaction of public business, would be taken up in trying to reconcile conflicting claims to appointments.

Senator LODGE. Now you may state what you desire to say.

Assistant Secretary ROOSEVELT. I have a little memorandum here which I do not believe has ever before been made public, and which may be of interest right on this point.

The old system of employing laborers in the navy-yards, the men being appointed for political reasons, in accordance with the wish of local politicians, was in vogue when the new navy begun to be built; and I want it distinctly understood that I do not reflect in my statements upon any particular man or any particular Secretary. The old system worked just about the same way under any Secretary, and it had so to work; but it gradually grew so intolerable that under Secretary Tracy the present system of registration of laborers was put into effect, and it very speedily produced an almost complete elimination of politics in the appointment and retention of the laboring force.

There had formerly been a great abuse in the way of employment of labor in the navy-yards just before election, and a law was passed prohibiting such employment except in the case of urgency. The law accomplished nothing. Urgency was always declared. In the Presidential election of 1888 the old system of appointment of laborers for political reasons obtained. On September 1 of that year there were fourteen hundred and odd employees in the Brooklyn Navy-Yard. On November 1 there were 2,500. By December 1 the number had shrunk again to less than 1,400. Over 1,000 men were employed during the two months before election and were discharged inside of a month after the election. That was in 1888.

During the course of the next Presidential term the service was practically classified; the registration system was established, and on September 1, 1892, 2,200 men were employed. On November 1 there were 2,052 men. Instead of 1,000 more 150 less were employed. On December 1 the same number were still employed.

I want to show one result that came directly from the employment of those men. When I first came into my present position a bill for furniture for the monitor *Terror* came to me to pass upon, which attracted my attention for two reasons. In the first place, it was a

very old bill; the expense had been incurred nearly ten years before, and everybody had been most reluctant to pass upon it. In the next place, the amounts charged were preposterous. The furniture cost apparently about ten times as much as it would normally cost now. This was furniture made in the navy-yard. The bureaus cost something like $400 apiece. I refused to pass it, but I found it was regularly audited in every way and we had to pass it. There was no alternative.

Then I investigated it. There was considerable hesitation at first in telling me anything about it, because the officers who had to tell me did not like to cast reflections upon their predecessors, and they were careful to say they were not casting reflections upon their predecessors; that the predecessors did not have anything to do with employing those laborers; that Congressmen So-and-so and So-and-so, now for the most part out of public life, employed them and they had to take them.

Among the extra thousand men put on in 1888 were a number of men so hopelessly incompetent that no man could have them in his department and expect to get any kind of work out of them; but they could not be discharged, at least not until after election, consequently they employed them all in a bunch where they could do the least damage—in building furniture. If furniture breaks down or is expensive the vessel can still go on. If a boiler breaks the vessel has to come to a standstill. But the bureau can break up and the vessel goes on.

Senator LODGE. They charged the men up to bureaus?

Assistant Secretary ROOSEVELT. The men were all put at work on the furniture. They had to be employed at something. They could, with the least damage to the public service, be employed in building furniture, and consequently the furniture of the *Terror* cost about ten times what it ought to have cost.

The CHAIRMAN. What was the total cost of the furniture?

Assistant Secretary ROOSEVELT. That I can not tell you. The bureaus were the item which especially attracted my attention. I should say—but this is a perfectly rough statement—that the furniture cost something like $6,000, instead of $600 or $700.

Since I have come in I have investigated personally the employment of labor in all the big yards on the Atlantic coast, and by deputy I have investigated the employment of labor in the Mare Island Navy-Yard. I have investigated personally New York, League Island, Boston, and Norfolk. I have spoken to the various officers, the chiefs of construction, admirals, and captains detailed as commandants and captains of yards, the paymasters, etc. Without exception every man has informed me that the change for the better has been beyond belief since the navy-yard laboring force has been employed without regard to politics, and that the change for the better in the clerical force, which has only recently been classified, is equally marked. They say they get their work done quicker; that they get their work done better.

They have given me instance after instance like this: I will find that a man has just been dismissed for having been off on an eight days' spree. They will say, "Yes; we can get rid of him now. If it were eight years ago he would be back within three days."

They have given me an instance, for example, of a man who, being put to work at mending a boiler, would retire between the skin and the ceiling of the ship and go to sleep. He would be found and would be discharged. In a week he would be back. They would usually tell him he must not do anything so flagrant again, but he would be back. The improvement in the force, in the amount of work done, in conse-

quence of being able to turn the man off without having him forced back upon them, has been incalculable.

For instance, Commodore Erben, the man behind the gun commodore, the author of that speech, the commandant of the New York Navy-Yard, reported in writing that "the general effect of the system has been to reduce the cost of all work done in the yard during the year about 25 per cent." It has been a saving of money to the Government of about 25 per cent.

I have these statements made to me continually. I have usually not kept a record of them. On looking over the letters, I find such a letter as this, for instance, of December 28 last, a month ago, from the pay inspector and general storekeeper of the Washington yard, Mr. Putnam, recommending certain promotions and saying:

"In the event of the promotions being made as requested above, the vacancy created for a special laborer at $2 per diem need not be filled, as under the system of promotions for merit I am getting a more efficient service."

That is just one little instance. We have reduced by one the small force in his office, because when he is allowed to promote men for merit he gets so much more efficient service.

The constructor at the navy-yard, being asked about his force some little time ago, said he had ten clerks appointed for political reasons, by whose aid he could not quite get his work done, and that if they would ever be turned out and he could have five chosen under the rigid competitive-examination system he would guarantee to get the work done. The ten were turned out and the five appointed, and the work is well done.

Just recently I had another such case as this, where two vacancies were left vacant, as under the system of having promotions for merit they were getting so much better material that there was no need of employing as many men as formerly. We have been introducing the system of promotions for merit in cooperation with or subordination to the Civil Service Commission during the last year. It was started toward the end of Secretary Herbert's administration. Secretary Long has promulgated and formulated the rules. I get such a report as this from the commandant of the New York Navy-Yard, Commodore Bunce:

"SIR: In compliance with the Department's instructions in its No. 4507-P/Cs of November 15, 1897, requesting information as to the effect that the semiannual efficiency record, and the action consequent thereon, has had upon the clerical force at the yard under my command, I transmit herewith the reports, in writing, from the different heads of departments.

"These reports are unanimous that the effect of these records is excellent.

"The same excellent effect of the semiannual efficiency records, and the action consequent thereon, are clearly evident in increasing the efficiency of the clerical force in the commandant's office."

There were a dozen letters accompanying that. I took merely one, as they were all of the same effect. This is a letter from Pay Director Kenny, saying:

"In every way has the efficiency of the clerical force of the supplies and accounts department been increased. Tardiness, before very common, is now infrequent. Absence without previous permission seldom occurs. Clerks absent through illness are now most careful to furnish certificates from their attending physicians. The quantity of work per-

formed has been greatly increased, not only by this better attendance, but by greater application and steadiness during office hours. The quality of the work has been improved somewhat. A great change for the better in the bearing and deportment of the clerks of this office was noticed almost immediately after the present regulations went into effect."

In 1890, or thereabouts, Secretary Tracy practically classified the laboring force. Previous to that time there had been almost a complete sweep of the laborers after each election. For instance, the men who are now in prominent positions in the labor force were almost never the men who were in prior to Secretary Tracy's term; that is, when Secretary Whitney came in they were all turned out, and when Secretary Tracy came in they were all turned out. I am speaking, of course, generally. There were exceptions, but I am making the statement generally. The laboring force was then put under these regulations, with the result that the same men, so far as they are good men, are in now as foremen and leading men as were in, except, of course, where vacancies have normally occurred, and then the places have been filled by promotion.

The clerks and messengers were not classified under Secretary Tracy. So, when Secretary Herbert came in, he kept all the labor force, but there was an absolutely clean sweep made of the clerks. The clerks and messengers went out with a jump, and some pretty eerie gentlemen got in their places. Now, they have been classified, and there has been no change in them under the present Administration.

The CHAIRMAN. They are still in the service?

Assistant Secretary ROOSEVELT. They are still in the service—well, not the eerie gentlemen. They are being weeded out through the semi-annual reports, and their places are being taken by the promotion of men who more often than not were appointed under Secretary Herbert, but appointed through the regular civil-service examinations. We are weeding out the bad men, but the decent men are kept in.

Then there is one point I should like to make. We found the old system in vogue as regards two very small branches of employment. One was the minors under instruction, or apprentices, in the different yards. There were only a few dozen appointed annually. There was not any way that we could appoint them. People say "if you did not have the civil-service examinations the head of the Department could appoint the men to please himself." I should just like to see that experiment made once to observe the effect of it upon the Senate and the House.

I do not want to give the names, and I know you will not ask me to do so, but the longest and most interesting, but pathetic, interview I have had with any representatives of the legislative branch has been on one occasion as to a certain navy-yard, when one Senator and three Congressmen spent the better part of two working days with me on the earth-shaking question, not of armor, not of ships, not of ordnance, but whether or not the commandant had a right to promote a man from a twelve hundred to a fourteen hundred dollar position without consulting the Senators and Representatives from that State.

In self-defense, on our own accord, we have had to start to classify the apprentices and minors under instruction. There are still left the ship keepers. There are only a score or so of vacancies that occur from time to time among ship keepers. They cause considerably more bother than all the thousands of clerks, and laboring men, from Senators, Congressmen, prominent politicians, and all, who come in and explain that

such and such a man has not been appointed; that such and such a man must be; we must have that element recognized; that So-and-so, who lives just a little out of the immediate neighborhood of the yard, has had a man accredited to him to whom he is not entitled, as the yard is not in his district; or that Senator So-and-so has a man and ought not to have one; that it ought to go to the Congressman's district; or that the Congressman ought not to monopolize it; that the navy-yard is for the whole State and the Senator should be asked; or else the adjoining State, just next, also has an interest in the navy-yard and it ought to be recognized.

There is no way in which the Department can appoint those ship keepers to suit itself unless it has some kind of a civil-service examination, and I do not know that it is practicable. Indeed, I do not as yet see how it would be practicable to have a civil-service examination for ship keepers. I do not see how it can be done. At present we have to face the evils of the old system, but there is no blinking at the fact that evils exist; and the Secretary the other day mentioned to me that he was rather glad that the ship keepers were still left as they were, because it is an insignificant portion of the force and it serves as a splendid object lesson to the damage that would accrue to the whole Navy Department, to the branch of the service that is under the Secretary of the Navy, if the system that obtains in reference to the employment of ship keepers obtained with regard to the force at large.

The CHAIRMAN. Are you still annoyed by Senators and Representatives asking you to make promotions and demotions, especially promotions?

Assistant Secretary ROOSEVELT. It is continually becoming less.

The CHAIRMAN. When did the occurrence you speak of take place?

Assistant Secretary ROOSEVELT. I am going to ask you not to request me to give the names.

The CHAIRMAN. I am not going to ask for the names, but I desire to know whether it was a recent occurrence.

Assistant Secretary ROOSEVELT. It was a few months ago. They are first-rate fellows and I am very fond of them.

The CHAIRMAN. I do not wish to have the names. I merely want to know whether such is the case under the present system.

Assistant Secretary ROOSEVELT. It is growing less and less. The present system of promotions was put into effect recently. We are still met with trouble. There were two or three men employed in the Department, and eight or ten that I know of in New York, whose efficiency fell below the minimum we have established, and they had to be turned out. It was our first experience in turning out such men, and the first batch produced hundreds of letters to us of all kinds and sorts. I would receive a letter:

"DEAR SIR: I thought civil-service reform obtained in the Navy Department. Why have you turned out a worthy man merely because he is a Democrat?"

I would answer that he was not turned out because he was a Democrat, but because of the trivial fact that he got drunk. They would say that that was a machination of his political foes. The next letter would be:

"MY DEAR MR. ROOSEVELT:

"Some astounding blunders have been committed. So-and-so, an excellent man, and a Republican, has just been turned out of the yard.

His leading man has reported against him, but I am credibly informed that that leading man voted for Bryan last year. This must be a case of infamous political persecution."

I would look up the case and find that it was because the worthy Republican had slept seven hours inside of a boiler which he was supposed to be mending. That, too, would be explained, and it would be attributed to the machinations of his silver-loving chief.

We happened, by good luck, to strike Jew, Catholic, and Protestant in turning men out, and in every instance people would write to me saying that the men were turned out because they were Jews or Catholics or Protestants, as the case might be. Now, difficulty of that kind is ceasing. It came when we first put the system into effect. There is always trouble at first. One thing I have been impressed with, and that is that it is the men who are least fit who are apt to have the greatest amount of influence brought on their behalf. The men who are fit do not usually ask for it, and naturally, Mr. Chairman, a man who is not in the yard and who knows the fellow knows he is a good fellow, knows he has been an old soldier, that he has worked well for him in politics, and that he is a decent fellow outside, of course comes and tries to get him put back, and is very apt to think there has been something underhand in turning him out.

I believe I am stating the case very moderately when I say that the men who have had the pressure brought to bear for their promotion or retention or appointment are decidedly below the average of our employees. I think I have covered the Navy Department pretty well, and I should like to say a word as regards the police department of New York.

We employed the strictest kind of a merit system in the appointment of those men, making the examinations half mental and half physical, by a very carefully thought-out system of examination which we kept perfecting. With our first examinations I was not afterwards well contented. We kept perfecting them, raising the standard.

The CHAIRMAN. What do you mean by raising the standard—making the examinations more practical?

Assistant Secretary ROOSEVELT. Yes; making them more practical. We had a certain amount of scholastic test, merely to ascertain the man's general intelligence, writing, arithmetic, writing a report, penmanship, and certain general questions in United States history and geography, more to find out what the men did not know than what they did.

The CHAIRMAN. Is it not your opinion that more weight should be given to the questions which test the practical knowledge of the applicant than otherwise?

Assistant Secretary ROOSEVELT. It should be, as a rule. Do you object to my giving the answers to some of the questions?

The CHAIRMAN. We shall be very glad to have you do so.

Assistant Secretary ROOSEVELT. We felt that a policeman is an important executive officer, who, to a large percentage of the foreign-born population of New York, stands in the place of the constitution and town meeting and governor and everything else. One question I recollect we asked the candidate for the position was: "Give a brief statement of the life of Abraham Lincoln." Out of some hundreds of applicants we had ten who said he was the president of the Southern Confederacy. We had one man who said he was assassinated by Thomas Jefferson; two who said he was assassinated by Jefferson Davis; another who

said he was assassinated by Garfield; three who said he was assassinated by Guiteau; and one man, who evidently did not feel friendly to the Salvation Army, said he was assassinated by Ballington Booth.

We asked who was the chief officer of the United States. One of the candidates responded "Parkhurst;" another, probably of different political faith, "Croker;" two, with deft flattery, named me.

One of the questions was to name certain of the States that were in the Confederacy in 1861. Nearly half of the applicants named States like Montana, Wyoming, Idaho, Utah, and Nevada. It was at the time of the silver campaign, and they had a vague impression that there was something wrong out there, but they did not know what.

We also asked them—and I dislike to state this answer before Senator Lodge, but I must—to name five of the New England States. There were three answers to that question which I specially liked. One man named New York, Albany, Philadelphia, Pennsylvania, and Delaware. The next two answers I am going to give are so extraordinary that I kept the record; I kept the questions and answers. The five New England States, one man said, were England, Scotland, Ireland, Wales, and Cork. The gentleman was of foreign origin, I may explain. Another man, presumably of different religious faith, named Belfast instead of Cork.

These questions were not directly germane to a policeman's duties, but I felt that they served to test the ordinary reasonable intelligence which we could expect of a man who is an American citizen and had been to a public school. We did not give the questions very great weight, but we did feel that it was a good thing to have them in the examination and to consider them to that extent. Fifty per cent of the mark went on a physical examination carried on very exhaustively and very well.

The CHAIRMAN. Were any of these persons appointed?

Assistant Secretary ROOSEVELT. The gentlemen whose answers I have given?

The CHAIRMAN. Yes.

Assistant Secretary ROOSEVELT. No. One man was appointed who thought Abraham Lincoln was president of the Southern Confederacy, and another man who said he was a great general and fought the battle of Bunker Hill. Both of these men were of foreign birth and otherwise passed excellent examinations. Of course, failure on one question does not bar a man out. He would have to fail on a considerable number before he would be barred out.

The man who conducted the physicial examination for our force has for a long time conducted the physical examination for the force in Boston, Philadelphia, and, I think, one or two other cities, and also formerly conducted the physicial examination for the New York force prior to our coming in. Dr. Brown is his name. The last time I saw him he told me that the men we were getting under our system of examination toward the end of our term were the very finest men physically and mentally he had ever seen going on any force.

Will you let me right here say that I have received a little clipping from a San Antonio paper that goes to my heart on the question of practical examinations. Always, when you start to make a rather revolutionary change, you meet opposition from very excellent people who are of a conservative habit of thought. Two or three years ago I enlisted Mr. Procter, whose views and mine were always identical on all these matters, and we invariably worked together in every respect, in a scheme for the examination of customs inspectors on the Texas border. I know all about the cow country. There I am fit to deal

with it. I knew I could get up a bully set of competitive tests for customs inspectors on the border, because it happens to lend itself to a good system of competitive tests. You want to have a man who is a first-rate horseman, who knows about brands, who is a good shot, and is able to write a clear report. First of all you have to get recommendations of character, of course. Then I wanted to have enough of a written examination to test the candidate's handwriting, his arithmetic, and his capacity to write a good letter, and then to test his revolver shooting, exactly as they do on any range. On a range, as you know, Senators, the results of the competition are put down numerically. Such and such a man gets 87 out of a possible hundred, another 67, another 93, the bull's-eye being marked 5, the next line 4, the next line 3, the next 2, and the outer line 1. That lent itself very readily to competitive tests.

Then for the brand reading you have to trust a little bit to good fortune, but in order to show knowledge of horsemanship and cattle it was only necessary to have what is a favorite test of cow punchers on the round-up. Let each man take any horse he wishes—and if a man has not a good horse he will not get one—turn loose a steer for each man, and test him according to the rapidity with which he can overtake, rope, throw, and tie down the steer. It was not deemed practicable at that moment to put that competitive test in, especially as I could not get down there to oversee it myself. But it was adopted to a certain extent, and I this morning received in the mail a slip from a San Antonio paper, as follows:

"For mounted inspector.—He who gets the job must read brands, ride bronchos, and shoot with both hands.

"The Civil Service Commission announces that on March 15 an examination will be held in Brownsville, Tex., for the position of mounted inspector in the customs district of Brazos de Santiago, with headquarters at Brownsville. The examination will be of a light educational character, but applicants will be required to file special vouchers showing their knowledge of the Mexican language and of the country embraced in the district, as well as their ability to read brands and their experience in horsemanship and marksmanship."

Even yet they have not gone quite so far as I earnestly hope they will go, making it a part of the examination and having the applicants graded on it, but it is first-class to have gone that distance.

The CHAIRMAN. It has been suggested by some one that in December, 1896, there were fifteen steel examiners in the Navy Department appointed without examination. Do you know anything about that?

Assistant Secretary ROOSEVELT. There was a very rigid civil-service examination held for those fifteen steel inspectors under the very best men there were in the Department. I think that was just after the last extension of the classified service. It was done just precisely as in my day, when the Railway Mail Service was first classified or when the small free-delivery post-offices were first classified. It is not possible, when 30,000 men are put in, for the commission to undertake their examination. Until they can get the examination machinery well under way they have to trust to the local people to conduct examinations. It is a temporary makeshift.

The CHAIRMAN. It is a fact that the fifteen examiners were appointed without an examination being held by the Civil Service Commission?

Assistant Secretary ROOSEVELT. I can not answer definitely that it is the fact.

The CHAIRMAN. I wish you would refer to your records and give the committee a statement.

Senator LODGE. Write us a letter.

Assistant Secretary ROOSEVELT. I shall be very glad to write you a statement in full.

Let me say one thing. Often it may be impracticable to examine at the time, because you have not developed the machinery for it; you have too much work on the commission; you have not yet got to the point——

The CHAIRMAN. Do you not think that condition of affairs grows out of the fact that the extension of May 6 was too large?

Assistant Secretary ROOSEVELT. I want to guard myself about that, Mr. Senator. I was very glad that the extension was made; I think great good came from it. I do think it was too large. For instance, the President is very unlikely to consult me in the matter, but if he did consult me I would advise that at present the deputy internal-revenue collectors be not classified. I believe that ultimately they can be classified, but it is a scattered service. I earnestly advocated its being classified originally, thinking, of course, there would be but one classification made at the time, and the commission could turn all its energies to dealing with the 2,000 places, or whatever the number was, not thinking it would be classified as a part of a tremendous and sweeping classification. My feeling is that gaugers and stoorkeepers lend themselves readily to examinations; that it is perfectly easy to examine them. But in a scattered service, with deputy internal-revenue collectors, who are bonded officers, too, with the amount of work on the commission, and with the fact that it will take a good long time before you will be able to develop thoroughly satisfactory machinery for such an extension, I think at present it is wise to except them from examination. I do not want to be misunderstood, and I know you will not misunderstand me. I approve of the extension and was most glad of it. I do think in places they went further than at the time it was practicable to go.

The CHAIRMAN. I think so myself.

Assistant Secretary ROOSEVELT. I do not think the commission, as to these fifteen steel inspectors, could have handled the matter at the time unless it had been composed exclusively of angel Gabriels, with a double-jointed capacity for doing ten times as much as an ordinary mortal can.

Mr. Procter is the only member of the commission with whom I served. He and I radically differ on politics, but there were no points of policy or practice in which we did not work hand in hand absolutely, and I happened to see Mr. Procter put to pretty severe tests in standing up for Republicans who were menaced; take it in the Treasury, under Mr. Carlisle; for colored Republican letter carriers menaced in Southern offices by Southern white Democratic postmasters, who belonged to his own party, and he rang more than true on every occasion.

Mr. PROCTER. In speaking of the examination in the New York police force, you instanced the inefficiency as demonstrated by the examination. Is it not true that while civil-service reformers are perfectly willing that the system should be tested by the character of the people who come in on examination, should it not be properly measured by the character of the people kept out by the examination?

Assistant Secretary ROOSEVELT. Unquestionably.

Mr PROCTER. Do you not believe that if a promotion examination, such as you have instituted in the Navy Department and in the navy-yards, were carried forward by all the Departments, it would automatically do away with any dread of life tenure?

Assistant Secretary ROOSEVELT. It would automatically do away with much of the dread of life tenure. Any reform like that does not accomplish everything. It accomplishes a great deal. Let me just put in one proviso. You speak of it as being an examination for promotion.

Mr. PROCTER. I used the wrong word.

Assistant Secretary ROOSEVELT. It is not a written examination. It is an examination where the man's record in the past stands as a competitive test. In promotions there are only a limited number of cases where the written examination should properly be the deciding point. In entrance to the service the written examination can usually be the decisive point.

Mr. PROCTER. In the investigations made by the Civil Service Commission as to the revenue service it was found that quite a large number of persons borne upon the roll as deputies were simply clerks. You would not advise the removal of such from the classified service?

Assistant Secretary ROOSEVELT. Oh, no. I would try to guard against that. I believe private secretaries could be excepted; but I do not believe in what I saw three times in the Department, when men were appointed as private secretaries of certain persons and the certain persons never saw them. I knew that to happen twice in the Treasury and once in the State Department. The persons whose private secretaries they were had never seen them. They were appointed private secretaries because of the confidential relations between them and their chiefs, who never saw them.

The CHAIRMAN. That is an evil which should be corrected in the Department?

Assistant Secretary ROOSEVELT. In the Department; or you can correct it in Congress by legislating that a private secretary shall only be employed if he is appropriated for as such.

The CHAIRMAN. I think that is what the law contemplates—that he shall only be employed as private secretary when he is designated as such.

Mr. PROCTER. There was a paper sent to you in March last by Mr. Bailey, and the duplicate of that paper was sent to other persons. Did that copy come from you?

Assistant Secretary ROOSEVELT. No; it did not come from me.

Mr. PROCTER. That is all I wish to ask.

The CHAIRMAN. Mr. Baker, do you desire to ask any questions?

Mr. BAKER. I do.

Senator LODGE. Before you proceed, Mr. Baker, let me ascertain exactly what you represent.

Mr. BAKER. I am here at the request of the National Republican Anti Civil Service League, and by the verbal permission which Senator Pritchard and yourself gave.

Senator LODGE. I remember that you asked permission to appear, and the committee decided to grant it. I want to ask one or two questions which I have been trying to get an opportunity to ask in regard to the league. Is it a chartered organization?

Mr. BAKER. It is not. It is a voluntary organization.

Senator LODGE. Does it exist in the District of Columbia?

Mr. BAKER. Yes, sir.

Senator LODGE. And elsewhere?

Mr. BAKER. It has various branches. They are being organized from time to time.

Senator LODGE. Where has it branches now?

Mr. BAKER. One especially large in Indianapolis, Ind. I can not give you the full number.

Senator LODGE. Who compose the league here—citizens of Washington?

Mr. BAKER. They are citizens of Washington and of the several States who are temporarily domiciled here.

Senator LODGE. Clerks in the Departments?

Mr. BAKER. Some of them, I think, are.

Senator LODGE. Have you here a list of the membership of the organization?

Mr. BAKER. I have not.

Senator LODGE. Could you furnish the committee with a list?

Mr. BAKER. The list we keep is not perhaps an absolute list of membership, from having paid their initiation fees. It is a list of those who have sent to us for documents and have sent us petitions, etc., urging the repeal or modification of the law.

Senator LODGE. What I desire is a list of the actual members of the league here.

Mr. BAKER. I suppose there are about 100.

Senator LODGE. Those are the ones of whom I should like a list. I have here a slip from a newspaper, which says that the league passed a resolution voluntarily pledging "its sacred honor, unless the civil-service law is modified or repealed" ——

Mr. BAKER. That is not our league. That is the league in Indianapolis, Ind.

Senator LODGE. It says the league "voluntarily pledges its sacred honor, unless the civil-service law is modified or repealed, to advance by every means in its power the interest of William J. Bryan, simply on condition that if elected he will honestly and thoroughly root out from our political system the rotten Chinese idea known as civil-service reform."

The CHAIRMAN. The Republican league did not pass that resolution?

Mr. BAKER. I beg pardon. My reference to the league at Indianapolis is wrong. I never heard of that resolution before in my life.

Senator LODGE. It was not passed by the league in Washington?

Mr. BAKER. No, sir; nor in any of the cities.

Senator LODGE. It was attributed to it by the newspapers.

Mr. BAKER. I never saw or heard of it before to-day. It never passed the league.

Senator LODGE. The league did not set forth an address to that effect at its first meeting?

Mr. BAKER. No, sir.

Senator HARRIS. Has your league any kind of a constitution, or charter, or by-laws?

Mr. BAKER. It has by-laws.

Senator HARRIS. What is supposed to be the object of the organization; can you furnish the committee with a copy of the constitution, so that we can see what are the objects and purposes of the association?

Mr. BAKER. I can furnish the committee with a copy of the by-laws.

Senator LODGE. I should like to have you do that, and also a list of the members. You issued an address, did you not?

Mr. BAKER. I think there has been an address issued.

Senator LODGE. At your first meeting?

Mr. BAKER. I was not present at the first meeting. I was in New Hampshire. It was organized in August. I was not here until November.

Senator LODGE. The statement here is that it was issued at the initial meeting, and that it is the Washington association.

"Its purposes are those set forth in an address to the public issued at the initial meeting, which declares, among other things, that 'William McKinley, President of the United States by the grace of God and the efforts of the workers and zealous friends of the Republican party,' having, 'at the command of his political enemies,' debarred the members of the league 'from any reward or participation in the Government,' has sacrificed thereby his right to any further support of any of the aforesaid members."

That was stated by the newspapers at the time——

Mr. BAKER. I never saw it.

Senator LODGE. It was stated by the newspapers at the time to have been the address issued by the league at the start. Now, I want to ask if this league took any part in the recent election for a Senator in Maryland?

Mr. BAKER. No, sir. I will explain that the league at one time passed a resolution asking me to use my efforts, so far as I had acquaintances and influence in Maryland, to prevent a civil-service reformer being elected. It was not directed against any one person. I declined at once to act in that regard, because I thought it was impolitic and improper, and nothing was done.

Senator LODGE. I read from the Baltimore Sun:

"At a meeting of the Anti Civil Service League it was decided to oppose the election of Judge McComas as Senator.

* * * * * * *

"A circular had been distributed on January 23, 1898, by the Anti Civil Service League and Maryland Association opposing Judge McComas's election on the grounds that he had by speeches been favorably disposed toward the civil-service system while in Congress and that that was contrary to the opinions of the citizens of Maryland."

Mr. BAKER. No such circular was ever issued.

Senator LODGE. Nobody representing the league went from here to oppose him?

Mr. BAKER. No, sir.

Senator HARRIS. Are you a member or officer of this association or league?

Mr. BAKER. I am first vice-president of the league and am acting president while Mr. Clapp is incapacitated.

Senator HARRIS. You are here in your official capacity as an officer of the league?

Mr. BAKER. Yes, sir.

Senator LODGE. Who is Mr. Clapp?

Mr. BAKER. He was formerly Government Printer—A. M. Clapp.

Senator LODGE. The head of the office?

Mr. BAKER. The former Public Printer.

The CHAIRMAN. Under General Grant. Mr. Baker, you can proceed with your examination.

Mr. BAKER. Mr. Roosevelt, did you make reply to the Bailey letter, which is already in evidence before the committee?

Assistant Secretary ROOSEVELT. I presume I acknowledged it.

Mr. BAKER. Did you, that you are aware of, in the acknowledgment, state any opinion in regard to its contents?

Assistant Secretary ROOSEVELT. That I can not recollect. I was receiving at that time a large number of communications from my former subordinates, who were then employees of the Civil Service Commission, making a great many charges against one another and against the chiefs over them. There was only one man against whom nobody made any charges, and that is Mr. Procter. They were all a unit that Mr. Procter was a good man. There were other people who objected very strenuously to Mr. Bailey and to the other Commissioners and to the chief examiner and to one another, and each had a fear that somebody else was going to be made chief examiner or Commissioner.

Mr. BAKER. If you can find among your files your reply, would you be willing to put it in evidence?

Assistant Secretary ROOSEVELT. Most certainly, but I do not think I will find it among my files, because it was before I came on here.

Mr. BAKER. Did you have any personal experience with the civil service in the Departments before 1883?

Assistant Secretary ROOSEVELT. None. I had had experience with the civil service in the State government at Albany.

Mr. BAKER. Is there any reason why the Departments could not enforce proper examinations by themselves?

Assistant Secretary ROOSEVELT. There is every reason for knowing that it would be absolutely impossible for them to do it. It could not be done.

Mr. BAKER. Why not?

Assistant Secretary ROOSEVELT. From the simple fact that there would then be no outside power to supervise the Departments and enforce the examinations, and a good head of a Department would enforce them and a bad head would not. Then, whenever any new man came in he would always be assured by all his political friends that the former man had not enforced them, and therefore that he ought not to, either. A system of departmental examinations, like the system of class examinations, is a mere cloak for the most rampant form of spoils politics, and it is worse than ordinary spoils politics because it has the element of hypocritical pretense about it.

Mr. BAKER. Is not the supervision by the commission of appointments by the heads of Departments extra-constitutional?

Assistant Secretary ROOSEVELT. No, sir.

Mr. BAKER. I suppose it is not proper to go into that subject?

Assistant Secretary ROOSEVELT. I should be perfectly delighted to go into it.

The CHAIRMAN. It is a question of law.

Mr. BAKER. Do any shipbuilders who contract to build ships for the Navy select their men from lists made up from competitive examinations?

Assistant Secretary ROOSEVELT. None of them, so far as I know, do, and none of them are exposed to Congressional pressure. None of them ever have to deal with such a body as that you represent, or they could not carry on their business for one week with any success.

Mr. BAKER. Are the appropriations for navy-yards less than before the classification?

Assistant Secretary ROOSEVELT. No; but the work is very much more.

Mr. BAKER. Do you think it is any less in proportion to the quantity of work performed?

Assistant Secretary ROOSEVELT. Very much less.

Mr. BAKER. Do you think that people went to sleep while on duty before the classification?

Assistant Secretary ROOSEVELT. I know they did.

Mr. BAKER. And you know they have done so since?

Assistant Secretary ROOSEVELT. They have been turned out since. When they were turned out before, they were reinstated.

Mr. BAKER. How many hours a day are men employed in the navy-yards?

Assistant Secretary ROOSEVELT. I can not tell you; I think it varies in the different yards.

Mr. BAKER. What do you understand to be the average number of hours?

Assistant Secretary ROOSEVELT. I can not tell you.

Mr. BAKER. Do you think it possible for a man to have slept seven hours, in the manner you stated, while employed in the navy-yard?

Assistant Secretary ROOSEVELT. I do not think anything about it; I know it.

Mr. BAKER. Did you see him asleep?

Assistant Secretary ROOSEVELT. No, sir.

Mr. BAKER. Were not men promoted for merit prior to this classification?

Assistant Secretary ROOSEVELT. Occasionally.

Mr. BAKER. Were they not generally?

Assistant Secretary ROOSEVELT. I doubt it. I might give my opinion. I know often they were promoted without merit; most frequently they were promoted from a combination of merit and political influence, and sometimes from merit alone.

Mr. BAKER. Most of these things are dependent upon your personal opinion rather than your knowledge?

Assistant Secretary ROOSEVELT. No; they are dependent upon my knowledge. You ask questions that necessitate my giving personal opinions. My statements are made upon knowledge.

Mr. BAKER. What became of the eerie gentlemen you referred to? Were they removed on charges?

Assistant Secretary ROOSEVELT. Most of them have fallen out either on charges or because their efficiency fell below the 70 per cent record.

Mr. BAKER. Do you think the efficiency records are always correct and true?

Assistant Secretary ROOSEVELT. Inasmuch as they are human beings and not angels who are conducting them, they are not always correct and true.

Mr. BAKER. The examination you have in the Navy Department for laborers, etc., is not a civil-service examination. It is not under the commission, I understand?

Assistant Secretary ROOSEVELT. I think it is. I think our registration system is now subject to the supervision of the Civil Service Commission. It is a registration system.

Mr. BAKER. They do not conduct the examinations?

Assistant Secretary ROOSEVELT. No.

Mr. BAKER. Could not the same system of examinations be adopted in the Government Printing Office?

Assistant Secretary ROOSEVELT. Not with advantage, I should say. The Printing Office had better be kept where it is, under the Civil Service Commission.

The subcommittee adjourned until Thursday, February 3, 1898, at 10 o'clock a. m.

THURSDAY, FEBRUARY 3, 1898.

The committee met at 10 o'clock a. m.

Present: Senators Pritchard (chairman), Lodge, and Harris; also, Hon. John R. Procter, president of the Civil Service Commission, Mr. E. D. Bailey, and Mr. G. R. Wales, of the Civil Service Commission, and Hon. Henry M. Baker, acting president of the National Anti-Civil-Service League.

CIVIL SERVICE COMMISSION.

TESTIMONY OF JOHN R. PROCTER—Continued.

The CHAIRMAN. You can proceed, Mr. Procter.

Mr. PROCTER. Mr. Chairman, up to the present time, I think, I have been attempting to give evidence as to the extensions and the benefits derived from those extensions. I should like to make a statement regarding some of the objections to the civil-service law and its application to the Government service.

TENURE OF OFFICE.

One of the main objections urged at present to the law is that it gives to the employees of the Government a life tenure, and bills from time to time have been introduced into Congress to fix the tenure so as to do away with this imaginary objection. It is well known that the superannuated persons now in the departments are persons who did not come in through the examinations, but were placed there by political or personal influence. Of course many of them are among the most efficient clerks in the departments; in other words, many of them are a survival of the fittest, and are retained there because of their great efficiency. Those who are inefficient, and who are incapacitated from age or physical disabilities to perform their duties, are retained there through political and personal influence or through the kindness of the heads of the departments, who do not wish to turn them out after long and faithful service.

The proposed bills will not cure the evil, because, as was well said by the Commissioner of Pensions, Mr. Evans, while before your committee, and it was also repeated by Mr. Roosevelt, and the statement was also made by Congressman Evans, who has had departmental experience, the most inefficient clerks have the strongest influence. If a law should be passed to retire clerks at any fixed time, and recommission such as the department might desire, you will very well see that, in a measure, the most inefficient clerk having the largest influence as the persons I have named, and as most of the people who have experience in the departments testify, they would be recommissioned, and the efficient clerks would be separated from the service. It would also be true that the clerks who had influence in the service and who would want promotion would bring influence to bear to prevent the recommissioning of clerks at the expiration of the time. This would have a very detrimental effect on the public service.

But fortunately we have from the Pension Office an example as to how appointing for a fixed tenure would operate. Senate Document No. 182 of the Fifty-fifth Congress is an answer from Commissioner Evans to a Senate resolution in which he gives the names and political affiliations

of the special examiners whose term of service expired by limitation June 30, 1897, and who were not reappointed, and the reasons for such action. In this list every man who failed to receive reappointment was a Democrat except one, and he has been reinstated.

The CHAIRMAN. How many failed to receive reappointment according to that list?

Mr. PROCTER. Twenty; but I think that the list is not complete because——

The CHAIRMAN. Twenty out of a total of how many?

Mr. PROCTER. There were about forty, I think, of the total force. I happen to know, from investigation, that quite a number of those men had a higher efficiency record as kept in the Pension Office than men who were retained.

The CHAIRMAN. Were those men dismissed from the service or were they transferred?

Mr. PROCTER. They were simply not reappointed. They have to be reappointed at the end of each year.

The CHAIRMAN. Did that leave them entirely out of the service?

Mr. PROCTER. It left them out of the service. Some of the clerks in the office were promoted to the positions and immediately dropped. That is simply a repetition of the practice of the last Administration, because in this same document you will see from Exhibits B and C that every man who failed of reappointment or who was dropped under the last Administration was a Republican. I have not looked into the matter, but I am informed that some of those men had an efficiency rating much better than that of men who were retained. So it is an abuse practiced by every Administration since those men were classified, and it is an abuse that will be practiced if any of the acts proposing to put the clerks upon a tenure are passed.

PROMOTION REGULATIONS AS AFFECTING TENURE.

But, Mr. Chairman, I will call your attention to the fact that the original law had in it a provision which if carried out will prevent a life tenure, and that under the rules promulgated in May, 1896, there is a provision which is mandatory which will prevent life tenure. Section 7 of the act provides:

"That after the expiration of six months from the passage of this act no officer or clerk shall be appointed, and no person shall be employed to enter or be promoted in either of the said classes now existing, or that may be arranged hereunder pursuant to said rules, until he has passed an examination, or is shown to be specially exempted from such examination in conformity herewith."

That provision of the law up to 1896 had never been enforced except in the New York custom-house, where promotion regulations have been enforced and have been working satisfactorily.

The CHAIRMAN. What law are you quoting from?

Mr. PROCTER. I am quoting from the original act, which requires promotions.

The CHAIRMAN. Have you formulated a rule with respect to this matter?

Mr. PROCTER. A rule was formulated by the President May 6, 1896, as follows:

"1. In pursuance of the requirements of section 7 of the civil-service act, competitive tests or examinations shall, as far as practicable and useful, be established to test fitness for promotion in any part of the

civil service of the United States which has been, or may hereafter be, classified under the civil-service act.

"2. Regulations to govern promotions shall be formulated by the commission after consultation with the heads of the several departments, bureaus, or offices. It shall be the duty of the head of each department, bureau, or office, when such regulations have been formulated, to promulgate the same, and any amendments or revocations thereof shall be approved by the commission before going into effect."

Under that provision the commission formulated promotion regulations after very careful consultation with men in the departments. These promotion regulations were first put into effect in the Post-Office Department, next in the Department of Agriculture, and after Secretary Long became Secretary of the Navy he gave them a careful study and approved them and promulgated them in the Navy Department. You heard from the testimony of Mr. Roosevelt how satisfactorily the promotion regulations are now working in the Navy Department, and that men who do not reach an efficiency rating which is based on the quantity, quality, and the character of the work, men who do not reach a rating of 70 per cent out of a total of 100, are either reduced or dropped from the service.

You can see that in carrying out that rule there will be an automatic weeding out of inefficient persons or persons who become superannuated or persons who can not do the amount of work required, and that that will be more effectual than any law which can be passed by Congress. It will not leave it to the sympathies of the Secretary, nor will it leave it to political or personal pressure as to the status of the men in the public service, and it will cure this evil which is complained of. As I said before, the men who are coming into the civil service through examinations average a little less than 28 years of age, so that these are not the men who are filling the service, as is complained, with superannuated persons.

There was a bill on the question of tenure, similar to the bill introduced in the present Congress, introduced in Congress in 1894, and it was submitted to the Committee on Reform in the Civil Service in the House and rejected. The commission at that time made the following communication at the request of the chairman, giving the opinion of the commission on the bill:

"H. R. 232, Mr. Martin's bill to limit the terms of office of employees governed by the civil-service rules.

"This is to establish a four-years term of service in the departments at Washington. Practically, this, of course, means to make the spoils system in its worst form obligatory instead of permissive. It would practically be impossible to overestimate the amount of mischief this bill would cause if enacted into law. The best employees in the Government—those who do the best service—are those who have been in office over eight years; and to turn out all of these men would bring the wheels of Government to a standstill. It would be absolutely impossible for the Government to keep in operation if all of the employees were turned out every four years. The bill might properly be entitled, 'A bill to secure hopeless inefficiency in the governmental departments.'"

The CHAIRMAN. What are you reading?

Mr. PROCTER. A communication from the Civil Service Commission in 1894 to the House committee. The commission was requested to give its opinion on the bill.

The CHAIRMAN. What is the tenure fixed in the bill now pending before the House?

Mr. PROCTER. Five years.

REJECTIONS AFTER PROBATION.

The subject of examinations was so fully covered by Mr. Serven that I think it not necessary, unless the committee desires me to do so, to give anything more on that point. I should merely like to call attention to some additional facts respecting the number of persons dropped on probation. During the last year, of 650 appointed on probation in the Railway Mail Service, only 3 failed to receive absolute appointment. In the Government Printing Office, where mechanical skill is required in the trades positions, only 12 out of 151 failed to receive absolute appointment. In the departmental service, where appointments were made to various positions, for which different examinations were provided, only 13 out of 894 appointed on probation failed to receive absolute appointment. In other words, less than 2 per cent of those secured through the examinations of the commission were rejected during or at the end of the probationary period.

I do not know whether the fact was brought out in Mr. Serven's examination that when the commission makes a certification to a department the examination papers of the three men certified are forwarded to the department.

The CHAIRMAN. That fact was not brought out.

Mr. PROCTER. In this way the appointing officer can get all the necessary information regarding the qualifications and the character of the person, information as to his antecedents, and all the necessary information that an appointing officer would naturally wish. That, coupled with the test given on probation, guards the department against getting inefficient persons. I think the statement I have just made shows that the examinations do give the departments efficient service, otherwise there would have been a larger number dropped on probation.

WORK OF THE COMMISSION.

There has been a good deal said before your committee to the effect that since the May 6th extension the commission has been, to some extent, behind in its work, and it has been said that at times the work has been somewhat in confusion. I do not believe that at any time the commission has been so far behind in its work that it was not ready to meet all requirements under the law and rules.

During the latter part of 1896 the commission began, as I have stated, to carry out the mandatory provisions of the rules with regard to promotion. This, of course, took much time and occupied some of the commission's force. In February a reorganization of the work of the commission was undertaken, believing that it would facilitate the handling of the increased work. You can readily understand that pending such a reorganization, no matter how efficient it might prove in time, there must necessarily be some confusion, because men new to some of the duties would not be as proficient as they would prove after a month or two of trial. But this reorganization was believed to be necessary, and it is hoped that time will prove that it will be advantageous.

Certainly the promotion regulations which the commission undertook were mandatory and were not undertaken any too soon, although I

must acknowledge that I hesitated about approving of them at the time, believing that it would overcrowd the commission with work. But I am glad to say that I was mistaken, and that it was wise to begin the promotion regulations at that time, and Mr. Roosevelt's testimony on Tuesday is an ample vindication of the wisdom of that action. The commission's work is now well up, and I do not anticipate that it will ever again be subjected to such a strain as it has passed through successfully in the past year.

PROMOTION REGULATIONS.

The CHAIRMAN. Are these promotion regulations observed in all the departments?

Mr. PROCTER. They have not been formulated yet in all the departments—in only three of the departments. I do not think they are observed as rigidly as they ought to be observed, with the exception of the Navy Department.

The CHAIRMAN. Please name the departments where they have been formulated.

Mr. PROCTER. They were formulated in the Post-Office Department, in the Agricultural Department, and in the Navy Department. They have been submitted to the other departments, and we hope that in time they will be approved and promulgated in all the departments.

OPERATION OF THE LAW.

I do not think, Mr. Chairman, that any amendment of the law is necessary. It has been found, after fifteen years, to have worked satisfactorily. Under it the President has ample powers to make such changes in the rules as he may deem best for the public service, and it is a question, I think, for administrative action rather than for legislative action.

The only trouble experienced is, as I said before, from the fact that some officers who are new in the service do not heartily cooperate as the law demands they shall cooperate in the carrying out of the law. The law demands that the service shall be put upon a nonpartisan basis; that people shall enter the service through open competitive examinations free to all; and that political considerations shall be eliminated from the service in appointments, promotions, demotions, and dismissals. The law demands that all officers of the United States in the departments and offices to which any rules may relate shall aid in all proper ways in carrying the rules and any modifications of them into effect. Rule 2, promulgated by the President of the United States, provides that—

"Any person in the executive civil service of the United States who shall willfully violate any of the provisions of the civil-service act or of these rules shall be dismissed from office."

If the provisions of the act and the rules are strictly carried out, if the Civil Service Commission have the aid of all the executive officers of the Government and the members of the Senate and House of Representatives in enforcing these rules, I am satisfied that they will prove a wonderful benefit to the public service all over the United States. In this connection I should like to put in the record the opinion of Justice Miller in the case of Lee *v.* The United States. It is as follows:

"No man in this country is so high that he is above the law. No officer of the law may set that law at defiance with impunity. All the

officials of the Government, from the highest to the lowest, are creatures of the law and bound to obey it. It is the only supreme power in our system of Government, and every man, who by accepting office participates in its functions, is only the more bound to submit to that supremacy and to observe the limitations which it imposes upon the exercise of the authority which it gives."

PLACES EXCEPTED FROM THE CLASSIFIED SERVICE.

The CHAIRMAN. While you are dealing with the question of amendment to the law let me ask if you do not think the law should be amended so as to give the President the right to take certain places out of the classified service, if he should desire to do so at any time?

Mr. PROCTER. I do not think under the Constitution such an amendment would be constitutional. The President has ample power, and any amendment to the law which would restrict the power of the President I think would be unconstitutional.

The CHAIRMAN. But I understood you to say the other day that you did not think he had the power to take them out when once they were classified.

Mr. PROCTER. He can take them out from examination.

The CHAIRMAN. I am not speaking of examination.

Mr. PROCTER. It is any amendment to the law which would give the President the power to say a man should be turned out for political reasons, or a man should be coerced in his political opinions, or that appointments should be made without regard to apportionment—those would be the amendments suggested. He has the power to except from examination. He ought not to have the power to except from those other provisions, which are provisions Congress has a right to pass.

The CHAIRMAN. I am not talking about excepting them from those provisions, but I am talking about the power to take them out of the classified service and place them in the position occupied by any other office that is not in the classified service.

Senator LODGE. He has that power.

Mr. PROCTER. I say he has power to except any place in the public service from examination.

The CHAIRMAN. There is quite a distinction.

Senator LODGE. There is a distinction.

The CHAIRMAN. Mr. Procter says the President has power only to except places from examination.

Mr. PROCTER. No, I do not say that exactly, Mr. Chairman. I said the question as to the power to unclassify is a question that I am not competent to give an opinion upon.

The CHAIRMAN. Suppose it should turn out that certain officers were improperly classified; do you understand that the President has power to say that they shall not be classified, and to revoke the rule?

Mr. PROCTER. I think he has unquestionably the power. The law says that they shall be classified as far as practicable, and the question as to whether it is practicable is a question which I am not competent to decide.

The CHAIRMAN. Then if he has made a rule which turned out to be improper he can abrogate the rule, can he not?

Mr. PROCTER. Certainly; he can abrogate any rule.

Mr. BAKER. They claim that he can abrogate the rule but can not put it back.

Senator LODGE. Mr. Commissioner, I put a question the other day; I put it again. It does not seem to be clear; it is very clear in my mind. If it is found that a number of persons have been classified whose names have to go to the Senate for confirmation, or who by law it is subsequently provided that the names shall go to the Senate for confirmation, in a case like that of course the President can abrogate the rule which put them in the classified service?

Mr. PROCTER. Yes, Senator——

Senator LODGE. Because otherwise the law is being violated.

Mr. PROCTER. The President has power to classify persons who are confirmed by the Senate. The law says he shall not be required to classify them. He can classify them if he wants to do it. The President can say, "I will send no name to the Senate for a certain office unless the person has passed a certain examination," if he wants to take that course.

Senator LODGE. I am not speaking of what the President can do in reference to Presidential offices. The law says that no place shall be classified where the person appointed has to be confirmed by the Senate.

Mr. PROCTER. It does not use that language. It says it shall not be required to be classified.

Senator LODGE. Exactly; that it shall not be required to be classified. Now, suppose such places have been classified, of course the President can remedy a mistake of that kind?

Mr. PROCTER. Of course he can remedy his own mistake.

Senator LODGE. And if they are classified incorrectly, if a laborer is classified as a skilled laborer when he is really an unskilled laborer, he can remedy that?

Mr. PROCTER. There is no question about it, I think.

Senator LODGE. That is, what he has done he can undo?

Mr. PROCTER. What he has done.

The CHAIRMAN. And once he has remedied the mistake they stand as they were before, entirely out of the classified service?

Mr. PROCTER. Certainly.

The CHAIRMAN. You say that is the case with an individual. Would not that be the case with any particular class of officers? For instance, can he take the deputy marshals completely out of the classified service?

Mr. PROCTER. I am not a lawyer, Mr. Chairman.

The CHAIRMAN. I know you are not a lawyer, but you are president of the Civil Service Commission, and we would like to have your construction of the law.

Mr. PROCTER. I do not think my opinion would be worth much on those points as passing upon the power of the President to do certain things. I think that under the civil-service law the President has most extraordinary powers. He has almost the powers of the Czar of Russia.

Senator HARRIS. Mr. Procter, I am not a lawyer either, but without involving any legal technicalities, is it not rational to suppose that whatever order the President can make he can revoke?

Mr. PROCTER. Yes, sir.

Senator LODGE. Of course he can.

Senator HARRIS. If he can make an order classifying certain officers it is certainly equally in his power to revoke the order which he himself has made?

Mr. PROCTER. That seems to be the rational construction.

The CHAIRMAN. That has always been my construction.

Senator LODGE. I do not think anything can be clearer than that it is not possible for the President by classifying certain offices, which he

has the power to do, to bind himself and his successors forever and put them in a position where they can not undo it. Of course that is an impossibility.

The CHAIRMAN. That has been my idea about it all the while, but the commission has entertained a different opinion.

Mr. PROCTER. No President has ever raised that question, because no President has ever desired to undo a classification, having ample power to except from examination, about which there never has been any question.

Senator LODGE. The excepting from examination amounts in practice to the same thing as taking them out of the classification?

Mr. PROCTER. In practice.

Senator LODGE. Therefore the other is a moot question.

STATUS OF DEPUTY MARSHALS.

The CHAIRMAN. I should like to ask you before you leave that point as to the status of deputy marshals under the law at present. Are they classified or not?

Mr. PROCTER. They are classified.

The CHAIRMAN. We had the question raised in the Senate yesterday. Have you provided an eligible list for deputy marshals in the different States?

Mr. PROCTER. Yes, sir. Deputy marshals, though, under the decision of the Comptroller, go out with the marshal; they cease to exist. They can be reappointed without examination.

The CHAIRMAN. But that is optional with the incoming marshal, is it not?

Mr. PROCTER. I think so.

TRANSFER OF ALBERT BAKER.

Mr. PROCTER. I should like to say a few words, Mr. Chairman, on the transfer of Mr. Albert Baker from the Government Printing Office to the Treasury Department and his detail from the Treasury Department to the Civil Service Commission. There was a good deal of talk about this matter in the House of Representatives. Mr. Landis, of Indiana, produced a book—it is called the appointment book under the old system, kept in the Government Printing Office—from which he read the record, and he created the impression that Mr. Baker was the man who had removed persons from the Printing Office and had given the reasons therefor. In a speech made by Congressman Maguire, January 11, 1898, published in No. 32 of the Congressional Record, he shows conclusively that Mr. Baker was simply a clerk; that he had no authority to remove anyone from the public service in the Printing Office; and that he simply made the entries opposite the respective names as indicated to him by the Public Printer or by the papers that were put upon his desk. Mr. Maguire demanded these books and brought them into the open House and exhibited them and showed that Mr. Landis had not given all of the record. For instance, Mr. Landis read names where it was put opposite "old soldier," "G. A. R.," "widow of a soldier"; and he created the impression that these persons were removed because of that fact. Mr. Maguire shows by the record that those notations were put opposite the name because on a necessary reduction of the force this being opposite the name of the respective parties it showed that they should have preference in reinstatement; that the same persons were reinstated, and that the Congressman——

The CHAIRMAN. I noticed that in one case he put opposite a woman's name that she was living with her husband.

Mr. PROCTER. I will explain that. The soldiers and the widows of the soldiers were to have preference in reinstatement, and they were reinstated, and Mr. Landis neglected to read on the same line opposite the name the date of their reinstatement in the same handwriting of Mr. Baker. When certain women were dismissed because of reduction of force it was put opposite the name of one that she lived with her husband; opposite the name of another that she had houses to rent. That statement was placed there to show that those persons should not have preference for reinstatement, but that the deserving poor woman should first be reinstated, and that the woman who had two houses rented or the woman who was supported by her husband should not be reinstated until after the others were provided for. I think that this statement of Mr. Maguire in the speech above referred to is clear and conclusive evidence that the record, to use his own language, was distorted.

Mr. Baker was transferred to the Treasury Department upon the recommendation of a member of this committee, Senator Elkins. When Mr. Baker came to the commission and complained that his resignation had been asked because he thought that he had been forced to give evidence before this committee, I told him that he should take his complaint not to the Civil Service Commission but to this committee. He did so; and Mr. Elkins, who asked the questions and who insisted upon answers, wrote to the Secretary of the Treasury and sent his private secretary to see the Secretary of the Treasury, and Mr. Baker was transferred to the Treasury Department.

The CHAIRMAN. Did Senator Elkins make the request at the instance of Mr. Baker?

Mr. PROCTER. I suppose he did. I told Mr. Baker to go to Senator Elkins and I told him to go to Senator Lodge. I do not know what he did.

Senator LODGE. He never came to me.

Mr. PROCTER. I do not know. I simply told him that he should take his complaint to the committee.

The CHAIRMAN. Did any member of your commission suggest to Senator Elkins that it would be a good plan?

Mr. PROCTER. I do not know. I certainly did not.

The CHAIRMAN. How long was it after he was transferred to the Treasury Department before he landed at the Civil Service Commission?

Mr. PROCTER. I do not know. I think it was on the same day, because we had at that time a letter on file with the Treasury Department urging details. Mr. Baker was detailed, and he is found to be a most efficient clerk.

The CHAIRMAN. While on this point, do I understand you to say that Mr. Landis simply read a part of the record and omitted to read the balance in those cases?

Mr. PROCTER. He was so accused by Mr. Maguire.

The CHAIRMAN. Have you verified the statement by an examination of the record in the Government Printing Office?

Mr. PROCTER. Mr. Maguire held up the record himself and read the lines, and showed how far Mr. Landis had read and where he had stopped at the essential point—that the men were reinstated. I know nothing about it. I am simply quoting from Mr. Maguire's statement. He did examine the record, he said, very carefully.

Senator LODGE. He had the record in the House?

Mr. PROCTER. He had the record in the House. He brought it there.

Mr. Chairman, I wish to take up briefly the letters of secretaries and heads of bureaus which were transmitted to the committee at the beginning of this investigation. There is a letter from the Secretary of Agriculture complaining that from a certification he was compelled to appoint——

The CHAIRMAN. Before you go to that point, Senator Harris desires to ask you a question.

INEFFICIENCY AND POLITICAL INFLUENCE.

Senator HARRIS. Before you take up the matter of correspondence with the departments and individuals, I wish to ask you a question or two with regard to the general law and the system. You made the statement a while ago that inefficient clerks have the greatest amount of political influence. Now, what is the basis for that kind of an assertion?

Mr. PROCTER. It was not my statement, Senator. I quoted from Mr. Roosevelt, who has had large experience; I quoted from Pension Commissioner Evans, who made that statement before the House Committee on Appropriations and before this committee; I quoted from the statement made by Congressman Evans, who introduced the bill in the House and who made the statement before the House committee; and I say that that statement is also borne out by the information I gather from the heads of departments and bureaus and offices in Washington.

Senator HARRIS. Your experience, then, as president of the commission corroborates those assertions?

Mr. PROCTER. My experience corroborates it.

Senator HARRIS. That as a rule, as a general proposition, the most inefficient clerks have the greatest amount of political influence?

Mr. PROCTER. We have had almost constantly quite a number of clerks on detail. Some have been relatives of Senators; some have had large political influence, and those are the persons who were the least efficient.

Senator HARRIS. What I want to get at is whether there is any necessary general connection between inefficiency and political influence.

Mr. PROCTER. I think there is an absolute and necessary connection.

Senator HARRIS. Is it not possible that where the efficient clerks have a certain amount of political influence and their efficiency is shown to the satisfaction of the proper authorities who employ them they are given positions and the matter stops there?

Mr. PROCTER. Yes, sir.

Senator HARRIS. It is not necessary, then, for them to go on to secure additional influence?

Mr. PROCTER. That is true, sir.

Senator HARRIS. That would tend to disprove the idea, to my mind, at least, that inefficiency is a necessary corollary of political influence. It merely means, does it not, that in the case of inefficiency among people, say of all whom have political influence, where there is objection made to their appointment or continuance, they go to work and bring a greater pressure to bear—that they have to exert more push, in other words, to overcome objections to their inefficiency? Is not that it?

Mr. PROCTER. Senator, when noncompetitive examinations were in vogue there was a method by which people who had been appointed to

noncompetitive places could be transferred to competitive places by a noncompetitive examination. Those people had been appointed by political influence, and notwithstanding they had had a departmental experience, the percentage who failed in the examination was very much greater than the percentage of those who would take the competitive examination. It is also proven by the examinations we now hold for promotions that the persons who are appointed through political and personal influence as a whole are not as competent as the persons who come in through the open competitive examination.

That was also shown in England. Prior to 1870 they had in England noncompetitive places. People were nominated by members of Parliament and by members of the Government and the royal family, and were appointed upon a noncompetitive examination. It was found that they were so much inferior to the grade of people who passed the competitive examination that the noncompetitive examination was abolished for that reason.

Senator HARRIS. Do you think that the condition involved in political life and the system of Great Britain is at all comparable in those respects with the condition here?

Mr. PROCTER. In a large measure, I think it is.

Senator HARRIS. Is not the influence of family and class and everything of that kind there infinitely more powerful than it is here?

Mr. PROCTER. Yes; but since the extension of the competitive system the influence of family and class has absolutely ceased. The son of the poorest man in England who goes through the public schools has an equal chance with the son of the richest peer in competing for public employment.

Senator HARRIS. Do you not think that that is an iridescent dream?

Mr. PROCTER. It is an absolute fact and not an iridescent dream.

RIGHT OF REMOVAL.

Senator HARRIS. There is another point, Mr. Procter, on which I wish to ask your opinion. It is as to whether the original law contemplated any restriction whatever on the right of removal. Did not the original law simply provide for admission to the service, leaving dismissal practically at the discretion of the heads of departments?

Mr. PROCTER. Absolutely; the original law only contemplated that the service should be on a nonpartisan basis, and removals——

Senator HARRIS. That is, that admissions to the service should be on a competitive basis?

Mr. PROCTER. That the whole service should be on a nonpartisan basis, and therefore removals for political reasons would be at least a violation of the spirit of the law if not of the letter.

Senator HARRIS. That is supposed to be the spirit of the law.

Mr. PROCTER. But that the power of removal should be absolute.

Senator HARRIS. The department chief had the right to exercise his discretion?

Mr. PROCTER. Certainly.

Senator HARRIS. And while it may have been the intent of the law to take away the political cause of removal, yet it was entirely in the discretion of the head of the department?

Mr. PROCTER. I think I can answer you better, Senator, by quoting the opinion of the commission in its last annual report on that very point, the thirteenth report:

"The civil-service act did not intend that incompetent persons should

be retained in office. The authority of removal and its exercise for proper reasons are necessary for the discipline and the efficiency of the public service."

Senator HARRIS. That is not exactly the point. Suppose that to be the fact, do you think that there is any necessary improvement to be found in the service by taking away that discretion from the head of a department?

Mr. PROCTER. I do not think that discretion is taken away from the head of a department.

Senator HARRIS. Do you not think that the rules requiring charges and everything of that kind to be preferred naturally involve, to be sustained, an argument as to the question?

Mr. PROCTER. There is no argument, Mr. Senator.

Senator HARRIS. Well, the inference at least is, where a charge is to be preferred and an answer made, that it involves consideration.

Mr. PROCTER. It involves consideration, but that does not interfere with the power. The appointing officer is the final judge.

The CHAIRMAN. Suppose it should turn out that the charges were false?

Mr. PROCTER. The appointing officer has to pass upon the charges.

Senator HARRIS. But the use of right reason would certainly imply that if the charges were not sustained the person against whom they had been preferred would be retained?

Mr. PROCTER. The rule is based upon the supposition that the appointing officer will obey the law properly, and that if the charges are not sustained he will not remove the person.

Senator HARRIS. Yes; that must be the case.

Mr. PROCTER. And if in his opinion they are sustained he will remove him; but his opinion is final. He may be mistaken.

Senator HARRIS. That is true; but of course he is supposed to exercise reasonable consideration in answer to the charges.

Mr. PROCTER. But I think this is purely an Executive function. The President can make that limitation if he desires or he can revoke it. It is given to him by the Constitution.

The CHAIRMAN. I should like to ask you if it is left entirely within the discretion of the head of the department?

Mr. PROCTER. Absolutely.

The CHAIRMAN. Then there can be no appeal from it?

Mr. PROCTER. There is no appeal from it.

The CHAIRMAN. The suits now being instituted are of no avail, then?

Mr. PROCTER. The suits are of no avail. Nobody ever heard of a subordinate in the War Department or the Treasury Department going into court to compel an official to obey the orders of the Secretary of War or the Secretary of the Treasury. They have the strictest discipline in the Navy and Army; yet they dismiss privates and officers on courts-martial, and there is no appeal from the decision of the court-martial to the courts.

The CHAIRMAN. Then what is the necessity of such a rule?

Mr. PROCTER. It is to prevent political removals.

Senator HARRIS. That is what I was gradually working up to. I wanted to get at your idea in regard to the efficacy of the discretion which is vested in the heads of departments as being a means by which the ultimate tenure of office would be determined, and, as you said, the charge of life tenure would practically not lie against the system. I understand you to state that under a certain form of records, with a six months' period, and all that kind of thing, the ability of an employee must reach a certain standard, and if he does not reach that standard

he should be dismissed. Is not that practically simply going back to the first point—the authority in the head of a department to prescribe such rules as he may see fit?

Mr. PROCTER. Certainly; and if the promotion regulations were carried out faithfully by the different departments there would be no reason for such an order of the President in regard to removals, nor for any order, because then the removals would, as I said, be automatic and be determined by the work and the efficiency of the persons in the public service.

Senator HARRIS. The work and the efficiency would practically lie within the scope of the discretion of the head of a department in making rules and regulations?

Mr. PROCTER. Certainly.

Senator HARRIS. So that when you bring it all down to the last analysis the discretion of the head of a department is the ultimate power after all; it determines everything?

Mr. PROCTER. And I do not believe that the law contemplated any interference with that discretion.

Senator HARRIS. Then you do not favor the attempts to take away from the heads of departments their discretionary power in these matters?

Mr. PROCTER. I do not favor any attempt to take away the discretion from the head of a department. The power of removal is incident to the power of appointment.

DEPARTMENTAL EXAMINATIONS.

Senator HARRIS. That being the case, all this power finally coming down to the head of a department, what would you think of a system which would simply confer upon each one of the departments the power to provide such an examining board and such rules regulating both appointments and dismissals as might be thought wise and proper in that department?

Mr. PROCTER. I would answer just as Mr. Roosevelt answered on Tuesday. I think, in the first place, it would not be practicable; in the second place, it would be open to the gravest abuses.

Senator HARRIS. Simply to say that it is not practicable——

Mr. PROCTER. It has proved so wherever tested.

Senator HARRIS. Has any one of the departments ever fully attempted to organize an examining board to have it regulate and control the appointments to offices in its department?

Mr. PROCTER. I think they did in the Treasury Department, and it did not do away with political preference at all.

Senator HARRIS. At that time we probably had not quite so much light on the general subject as we now have. What would you think of a thorough, honest, sincere effort in that direction?

Mr. PROCTER. I think that we may arrive at a millennial time when the public service will be on such a nonpartisan basis that the departments might be trusted. I think that is far in the future.

Senator HARRIS. That time, if it comes, I suppose is to be brought about by the earnest action and cooperation of such boards as the one of which you are chief. You are working in that direction?

Mr. PROCTER. I hope so.

Senator HARRIS. Yet there has been a great deal of complaint, of course, and you have admitted generally certain difficulties and embarrassments under which the commission has labored. The question in my mind is whether a great many of those difficulties and embarrass-

ments, with regard to the amount of work, the number of applications, the great variety of examinations that have to be made, would not be relieved by a service which would place each department in control of its examinations and appointments.

Mr. PROCTER. Those difficulties and embarrassments have been very much exaggerated. I admit that there have been a great many; but the difficulties and embarrassments have become very much less. The commission is amply able to handle the public service. The commission is a mammoth employment agency for the purpose of trying to find the kind of people the different departments want. It has machinery in operation scattered all over the United States.

APPOINTMENTS IN THE CONGRESSIONAL LIBRARY.

Take the case of the Congressional Library, for instance. Recently persons were appointed to the Congressional Library. Only those persons were considered who could come to Washington or whose friends would present their names before the Librarian, and the Librarian had no machinery for testing the qualifications of persons other than of those who happened to be here at Washington. By the machinery which the commission has it would be just as easy to test the qualifications of a person in Portland, Oreg., or in Utah, or in Portland, Me., as in Washington City.

Senator HARRIS. Allow me to interrupt you just there in reference to the Public Library. I do not think that the Librarian was in that helpless condition which you describe, because I came in contact with him several times with regard to such matters and I found that he had established at once one or two very simple rules, easy of application, which practically arrived at the efficiency and experience of the applicant.

Mr. PROCTER. I grant you that they were good rules and the Librarian attempted to get good people, and I do not question that he did get good people, but the people who were remote from Washington certainly did not have the same opportunity to show the Government whether they were competent to serve the Government as librarians, nor did the Government have the wide choice which it would have had if the commission could have held examinations for assistant librarians and clerks all over the United States, in remote parts of the United States.

Senator HARRIS. My question relates to the practical——

Mr. PROCTER. Wait a minute, Senator. On that point I wish to state that the civil-service law provides that the appointments shall be apportioned among the people of the several States and that every person in the United States shall have an equal chance to show his or her qualifications. That opportunity was not given in the case of the Congressional Library. I grant that the Librarian did admirably in his method of selecting people, but he certainly did not have the same broad latitude of choice which he would have had if we could have held examinations in every city in the United States.

Senator HARRIS. The two points he covered, as I remember them, were that the applicant must have been a graduate of a college and devoted to library work, or that he must have had a certain amount of experience in the conduct and management of a public library.

Mr. PROCTER. Yes; but what of the poor——

Senator HARRIS. There was no more difficulty in a man from Oregon establishing his ability to comply with those two requirements than there was in the case of a man from the District of Columbia.

Mr. PROCTER. But the man from the District of Columbia, who is here to see his friends and Senators and Representatives, is always the person who has the strongest chance of appointment.

Senator HARRIS. I take a melancholy sort of pleasure in testifying that Senatorial influence did not seem to be worth a cent.

Mr. PROCTER. But you must remember, Senator, that there was a division of 54 places among 7,000 applicants.

Senator HARRIS. Oh, no; not 7,000. About two thousand, I think.

Mr. PROCTER. Oh, no.

Senator HARRIS. That is what they told me.

Senator LODGE. I got the figures and read them in the Senate. I think there were about six thousand applicants.

Mr. PROCTER. Six thousand. I will correct my statement.

Senator HARRIS. Six thousand, more or less.

Mr. PROCTER. It is very long division.

Senator LODGE. The Librarian furnished me with those figures, and also stated that it was his desire to have the whole service put under the civil service.

Senator HARRIS. Without carrying the discussion too far, of course all I had in mind was simply the old principle of the division of labor. It simplifies the work, as a rule, and results in greater efficiency; and my idea has been that possibly each department, by having the whole thing in charge, might do more efficient and speedy work for itself, understanding all the conditions, better than any outside commission could do for it.

Mr. PROCTER. I should like to call attention to one fact. For each department to carry out the law and give an equal chance to every citizen of the United States in the remote districts would require about as complicated machinery as that of the Civil Service Commission, as each department would have to have the machinery for holding examinations all over the United States. Otherwise it would be confined to the people who could come to Washington. The Civil Service Commission has its boards established in every city in the United States where there is a free-delivery post-office, and can hold the examination without putting the applicant to the expense of coming to Washington or getting his friends to come here.

EXAMINING BOARDS.

Senator HARRIS. I go on the supposition that each department of the Government has officers and employees of some kind or description scattered all over the country, and that those direct employees of each department might he utilized in doing this additional work required by the department. I admit, of course, that there is something in your answer.

Senator LODGE. Is not the work of examination in the different places now performed by officers of the different departments entirely; that is, the examining boards at different places are not composed of officers of the commission?

Mr. PROCTER. Oh, no; they do not examine people. The examinations are prepared in Washington and sent under seal to the secretary of the local board, and he simply breaks the seal in the presence——

Senator LODGE. The local boards represent the different departments?

Mr. PROCTER. Certainly.

Senator HARRIS. Tnat was the idea in my mind.

The CHAIRMAN. They are composed in the main of parties employed in the internal-revenue service and the post-office service?

Senator LODGE. And the customs service.

The CHAIRMAN. And the customs service?

Mr. PROCTER. In the main. We have been attempting to consolidate boards so as to do away with a number of boards. I think in a large measure we will diminish the number of boards.

On the question of giving the man whom it is proposed to remove an opportunity of defense, I will state that the plan has been tried successfully in the carrier force of the Post-Office Department ever since 1893, I believe—it does not matter about the date—and it was because of its successful working that it has been extended to other departments. Each Postmaster-General has called attention to the improved service from the working of that rule, and First Assistant Postmaster-General Heath in his last report called attention to the beneficial——

Senator HARRIS. To the beneficial working of the rule about giving a hearing?

Mr. PROCTER. About giving a hearing. The President's order of July 27 is almost a verbatim copy of the order of Postmaster-General Bissell, in force for some years.

NATIONAL CIVIL SERVICE REFORM LEAGUE.

On that point I wish to give you the resolution of the National Civil Service Reform League, adopted at its annual meeting in Philadelphia, Pa., December 11, 1896. It may be of interest to show the opinion of the league, composed of eminent men from all over the United States:

"It can not be too clearly and generally understood that the principles of civil-service reform in no wise countenance any tenure of office other than during merit and fitness. The league fully realizes the importance of preserving to responsible officers the power of removal of their subordinates whenever in their judgment this power should be exercised in the public interest, but the league deems it no less important that the officer exercising this power should do it with full and trustworthy information as to the facts, and that reasonable safeguards should be afforded to employees against the loss of their livelihood for personal or political causes. As a means to these ends, it commends the requirements of General Order No. 245 of the Postal Department, issued by Postmaster-General Bissell, whereby letter carriers are informed of charges made against them and afforded an opportunity for written explanation or defense before the power of removal is exercised in their cases; and it would see with pleasure the salutary and conservative provisions of this order extended to all other branches of the public service, believing that this course would tend to strengthen discipline and increase efficiency, besides removing opportunities for injustice and possible abuse of authority."

HEARING ON CHARGES PREFERRED.

I call attention to another point, that men who have committed grave offenses are frequently led to resign, and those men can be reinstated if there is nothing on the record showing that they were separated for delinquency or misconduct. Under the provisions of the present rule, after a man has been given a hearing and he has been dismissed for delinquency, there is no power to put him back into the Government service.

Senator HARRIS. It occurs to me that in the specific cases of letter

carriers which were cited, the charges against them are apt to be wholly related to matters of fact that can easily be proved or disproved. In that case the matter is comparatively simple, as a rule.

Mr. PROCTER. Why as to letter carriers and not as to everybody else in the Government service?

Senator HARRIS. I merely indicate that the service is of a different character, and it makes it more simple.

Mr. PROCTER. It is not claimed that the President's order extends to persons who are on probation, because they have not received appointments in the public service, but it seems reasonable that after a person has undergone a civil-service examination and been certified as fit, and has given six months' probation, and his services have proved satisfactory, there should be some safeguard put around his removal, and that he should certainly be given an opportunity to answer any charges that may be made against him.

Senator LODGE. This rule does not give him power to call witnesses or anything of that sort?

Mr. PROCTER. None, whatever.

Senator LODGE. It merely gives assurance that every man shall have a hearing before he is removed?

Mr. PROCTER. That is all. The department's decision on the hearing may be wrong, but it is final. Nobody has a right to review it.

Senator HARRIS. If a man has no opportunity to disprove the charges, the hearing is a very empty sort of right.

Senator LODGE. I do not say he may not call witnesses, but that the rule gives him no power to call witnesses.

Mr. PROCTER. It is a matter with the department.

Senator HARRIS. It is in the discretion of the department.

Senator LODGE. Absolutely.

Senator HARRIS. The whole thing seems to come down, very materially at least, to a matter of discretion with the head of the department.

The CHAIRMAN. The only practical effect is to put the officer making the removal on record.

Mr. PROCTER. It has been most salutary in the carrier service, and it has had most beneficial results.

The CHAIRMAN. Has it been customary to permit the parties against whom charges are filed to furnish proof in answer to the charges?

Mr. PROCTER. I do not know whether you would call it proof. They are given an opportunity to furnish a written statement.

The CHAIRMAN. Are they permitted to furnish evidence to corroborate such statement?

Mr. PROCTER. If the departments want it, they can ask for it.

The CHAIRMAN. I mean, has the party the right to do it?

Mr. PROCTER. No right. It is a privilege; not a right.

The CHAIRMAN. Are parties permitted to do it?

Mr. PROCTER. They usually are. In the carrier service they are permitted to give a written statement, and in some instances I know the Postmaster-General has sent inspectors personally to investigate.

The CHAIRMAN. In other branches of the service have they been permitted to furnish evidence to corroborate their statements?

Mr. PROCTER. Yes; in the Treasury Department I think they have been allowed to send in affidavits and written statements.

Senator LODGE. That does not come under your jurisdiction at all?

Mr. PROCTER. Not at all.

Senator LODGE. You have nothing to do with removals?

Mr. PROCTER. Nothing at all, and we do not want to have.

The CHAIRMAN. I understood you to say when an individual is dis-

charged under the order of July 27 it works a complete bar to his reappointment?

Mr. PROCTER. It does.

The CHAIRMAN. Could he not afterwards be heard on newly discovered evidence?

Mr. PROCTER. Certainly.

The CHAIRMAN. It is not a complete bar in that case?

Mr. PROCTER. Not a complete bar if it is found on newly discovered evidence that a mistake was made and the man was not guilty of the delinquency.

The CHAIRMAN. You may proceed.

AGRICULTURAL DEPARTMENT.

Mr. PROCTER. I regret I have not with me a statement I have prepared regarding the communication of the Secretary of Agriculture to this committee in the early part of its investigation.

The CHAIRMAN. You can hand it to the stenographer, and it will be incorporated in the record.

The statement referred to is as follows:

Memorandum in the matter of certifications to the Agricultural Department.

The records of the commission show that no request has been received from the Agricultural Department for examination or certification for the position of agricultural editor, from which selections have been made by the present Secretary of Agriculture, and that the only request for an examination or certification for any position of the nature to which the testimony of the Secretary of Agriculture before the Senate committee could refer is shown in the following:

January 8, 1897, the Agricultural Department requested an examination for the position of expert horticulturist, stating the qualifications desired, etc. (See copy of request.) The examination was at once announced and the competitors invited throughout the country. The examination was prepared to conform to the qualifications and requirements stated in the request, and held on February 10, 1897. There were ten competitors, with the following results:

ELIGIBLES.

Name.	Age.	Education.	Rating on technical part of the examination.	Rating for experience.
R. A. Emerson	23	College	83.21	86
C. H. Greathouse	39	do	80.87	50
J. I. Shulte	27	do	77.82	96
C. B. Smith	26	do	73.28	92
A. L. Kinsley	31	do	72.64	96
R. M. Wieland	27	do	70.84	74

Average age of eligibles, 29.

INELIGIBLES.

E. M. Wilcox	20	College	64.73	88
M. Furgeson	25	do	59.58	94
A. M. Furgeson	23	do	54.69	98
R. S. McIntosh	24	do	40.55	82

Average age of ineligibles, 23.

Certification was made of the first three names March 17, 1897, for filling the vacancy in the position of expert horticulturist, as requested in the Department's letter of January 8. From this certification appointments were made March 31 as follows: Emerson, to the position of expert horticulturist, at a salary of $1,400; Greathouse, to the position of agriculture editor, at a salary of $1,200; Shulte, to the position of assistant agriculturalist, at a salary of $1,200.

Emerson was selected, although Shulte was both a considerably older man and had a much higher rating for experience. Furthermore, had the point of greater experience been raised, Smith and Kinsley, as well as Shulte, could have been certified, all three of whom had greater age and higher experience ratings.

The commission had no notice of the vacancies to which Greathouse and Shulte were appointed until it received the monthly report of the Department, which showed their appointments. They were both appointed to positions for which they had never been examined and to which they had not been certified.

Had the Department requested a certification of eligibles to the positions of agricultural editor and assistant agriculturalist persons would have been certified whose qualifications for those positions had been tested.

The Secretary's testimony would give the impression that the duties of the positions to which Emerson and Shulte were appointed were largely administrative, and demanded men of affairs and men of managing ability. It is learned, however, that neither of these men is in charge of subordinates, and that their work is mainly abstracting in their particular lines.

U. S. DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D. C., January 8, 1897.

The Honorable the Civil Service Commission.

GENTLEMEN: I have the honor to request that an examination be held to fill the position of expert horticulturist in the office of experiment stations of this Department, at a salary of $1,400 per annum. The subjects and relative of weights recommended for this examination are as follows:

Theory and practice of horticulture	8
Translation of technical French	3
Translation of technical German	3
Abstracting of the literature of horticultural research	3
Essay writing on a given horticultural subject	3

I would also suggest that, if practicable, some credit be given to candidates on the basis of their training and experience in the science and practice of horticulture. Men only should be admitted to the examination, and the employees of this Department should not be excluded. It is our object to get a man for this position who has had a broad training in the science of horticulture as well as familiarity with its practical details. He should have at least as much systematic training in the theory and practice of horticulture as is given in the regular courses of our best agricultural colleges.

Very respectfully,

J. STERLING MORTON, *Secretary.*

Attest: J. B. Bennett, appointment clerk.
MARCH 18, 1897.

Mr. PROCTER. I desire to call attention to the fact, as to the communications which you received from some of the heads of departments, bureaus, and offices at the beginning of the investigation, that, without exception, of the people who answered your communication, those who had had long experience in Government service said the rules were working satisfactorily and advised no modification; while, where the persons were new in office and had not much experience in the administration of Federal offices, certain changes and modifications were recommended. That has been my experience with all officers of the Federal Government—that men who come into office frequently feel that they are hampered by the rules and regulations, and recommend modifications and exceptions and changes. The same men, after they have been in office for one or two years, change their views and become advocates of the application of the rules and law without modification.

REVIEW OF WILLIAM BLASLAND'S TESTIMONY.

I desire to glance briefly at some of the testimony given before the committee. In the testimony of William Blasland, pages 36 to 39, he gives a statement of reductions, dismissals, and promotions, and I notice that nearly every one refers to a place excepted from examination or to persons who were put in the places before the places were classified.

REVIEW OF TESTIMONY OF SECRETARY OF AGRICULTURE.

I have here the statement of the Secretary of Agriculture about a boy graduated from an Iowa college, and whom he says he was compelled to appoint. In the statement which I will file it will be seen that the boy was the youngest on the certification; that he had had less experience; and that there were two other persons on the same certification with long experience, one of whom, I think, was 39 years old. So it was optional with the Secretary of Agriculture whether he would select the boy. He had the chance to select a man who had passed very high and who had had long experience, and he chose to select the boy.

The CHAIRMAN. Did the boy stand highest on the list?

Mr. PROCTER. I do not know, but I do not question his right to choose whom he pleased, because he had three on certification.

The CHAIRMAN. I did not mean that, but did the boy stand highest on the list?

Mr. PROCTER. I am not sure whether he stood highest. I will ascertain.

Senator LODGE. From what State did the boy come?

Mr. PROCTER. I do not know whether he came from Iowa; I know that he was graduated from an Iowa college. I do not know what State he came from.

EMERGENCY APPOINTMENTS IN INDIAN SERVICE.

The letter of the Acting Commissioner of Indian Affairs, Thomas P. Smith, recommends a modification as to temporary or emergency appointments to ninety days, or that some provision be made for excepting the Indian service from such limitation. He evidently got hold of an old copy of the rules. There is a provision for extending a temporary appointment beyond the ninety days, if the commission can not establish registers, and sometimes the service is of such a temporary character, running perhaps for a hundred days or more, that it would not be feasible to establish registers.

REVIEW OF THE TESTIMONY OF THE PUBLIC PRINTER.

Mr. Palmer in his examination, page 136, objects that persons can not be promoted on probation. They can be promoted on probation. There is nothing in the rules to prevent it. I wish to correct that statement. I was quoting from the rules. I see that under the provisions of the regulations which are applicable to the Government Printing Office no promotion can be made during the probationary period; so I was in error. I quoted from our rule and our practice. That is a promotion regulation of the Government Printing Office.

Mr Palmer in his testimony, page 138, said in answer to a question of Senator Lodge—

"Can you exclude politics from entering into the appointment of men in a Government office?

"Mr. PALMER. No, sir; I can not. Not under the old system."

The law says it must be excluded from appointments in the Government service, and that is one reason why the provisions of the rules were extended to the Government Printing Office.

INDIAN SCHOOL SERVICE.

In answer to the testimony of Mr. Pratt, I merely wish to call attention——

The CHAIRMAN. Is that with respect to Indian schools?

Mr. PROCTER. The Indian school service, from page 250 on. I simply wish to call attention (it is not necessary to insert it, because the committee can refer to it) to pages 9 and 10 of the report of the Superintendent of Indian Schools for the year 1897. That I think fully answers all the statements made by Mr. Pratt.

REVIEW OF TESTIMONY OF W. W. WHITE.

As to the testimony of Mr. W. W. White, page 294, and which was repeated afterwards, for he was recalled, page 301, I will state that I had cause to go over the statements from which he quotes, with respect to persons removed from the public service and persons appointed to the public service, and without a single exception, so far as I can find, all the persons were either appointed to places which were not then classified or to places excepted from examination. As, for instance, here is a statement "they are classified," giving some $1,800 position, etc., on page 297. Those are persons who were excepted from examination.

I tried to save the time of the committee by calling attention to the fact that Mr. White did not know what he was talking about. Because the positions are now classified, he assumed that they were classified at the time the removals and appointments were made, which was not true. His statement, therefore, has no bearing on the subject under consideration, because these were unclassified or excepted places, and were treated as spoils, and they were removed afterwards by order of the President.

Mr. Chairman and gentlemen, I will not take any more of your time. I have quite a number of references marked here, but I think the statements have been fully answered, and it would merely take up the time of the committee to go into them.

The CHAIRMAN. Most of these facts have been brought out on cross-examination by yourself?

Mr. PROCTER. Yes. However, before I leave the testimony of Mr. White, I wish to call attention to the fact that of the 395 removals from the Treasury Department, 230 were due to legislation, as were many of the reductions and resignations; in the War Department 250 were due to legislation, and in the Interior Department a large number were due to legislation. You will remember that as a result of the Dockery Commission quite a number of people were legislated out of the service. The diminution of the work in the Record and Pension Division of the War Department threw out a large number of clerks. So those removals were due altogether to a reduction of the force.

I have quite a statement with regard to the application of the rules to the navy-yards, but that was so fully covered by Assistant Secretary Roosevelt that I do not think it necessary to burden the record with it.

The CHAIRMAN. I do not think it is necessary to go into that subject.

Mr. PROCTER. I will pass it, and not burden the record.

The CHAIRMAN. I do not think it is necessary to put it in.

Mr. PROCTER. I am through, Mr. Chairman. I wish, however, to file, in response to the question of Senator Lodge, statements from heads of departments and officers relative to the application of the civil-service laws and rules.

The statements referred to are as follows:

Mr. Windom, Secretary of the Treasury, said:

"The beneficial influences of the civil-service law in its practical workings are clearly apparent. Having been at the head of the Department both before and after its adoption, I am able to judge by comparison of the two systems, and have no hesitation in pronouncing the present condition of affairs as preferable in all respects. Under the old plan appointments were usually made to please some one under political or other obligations to the appointee, and the question of fitness was not always a controlling one. The temptations to make removals only to provide places for others was always present, and constantly being urged by strong influences, and these results and the feverish condition of departmental life did much to obstruct and disturb the even current of routine work. Under the instrumentalities which are now used to secure selections for clerical places, the Department has some assurance of manly capacity and also moral worth, as the character of the candidate is ascertained before examination. The manifold duties of the Department require the closest application on the part of the Secretary and his assistants, and the freedom from importunity now enjoyed for appointments to places that are within the classified service, and the saving of valuable time heretofore devoted to the distribution of minor patronage, are of very great advantage, and enable those officers to devote more thought to the important questions of administration constantly arising. The clerks received from the Civil Service Commission usually adapt themselves readily to the duties they are called upon to perform, and rank among the most efficient in the Department."

Secretary Tracy testified from his own experience that—

"The persons appointed under this system are unquestionably more efficient, as a whole, than those selected under any system of pure patronage."

Secretary Noble was quoted in the public prints to this effect:

"The Department of the Interior, with its seventy-five hundred clerks, could not be run six months without the great body of the employees being under the civil-service rules."

(Eighth Report, Civil Service Commission.)

[Extract from the annual message of the President, of December 9, 1891.]

The heads of the several executive departments have been directed to establish at once an efficiency record as the basis of a comparative rating of the clerks within the classified service, with a view to placing promotions therein upon the basis of merit. I am confident that such a record, fairly kept and open to the inspection of those interested, will powerfully stimulate the work of the departments, and will be accepted by all as placing the troublesome matter of promotions upon a just basis.

[Extracts from the annual message of the President, December, 1893.]

The continued intelligent execution of the civil-service law and the increasing approval by the people of its operation are most gratifying. The recent extension of its limitations and regulations to the employees at free-delivery post-offices, which has been honestly and promptly accomplished by the commission, with the hearty cooperation of the Postmaster-General, is an immensely important advance in the usefulness of the system.

I am, if possible, more than ever convinced of the incalculable benefits conferred by the civil-service law, not only in its effects upon the public service, but also, what is even more important, in its effect in elevating the tone of political life generally.

[From the annual message of the President, December, 1894.]

The advantages to the public service of an adherence to the principles of civil-service reform are constantly more apparent; and nothing is so encouraging to those in official life who honestly desire good government as the increasing appreciation by our people of these advantages. A vast majority of the voters of the land are ready to insist that the time and attention of those they select to perform for them important public duties should not be distracted by doling out minor offices, and they are growing to be unanimous in regarding party organization as something that should be used in establishing party principles instead of dictating the distribution of public places as rewards of partisan activity.

Numerous additional offices and places have lately been brought within civil-service rules and regulations, and some others will probably soon be included.

[From the report of the Postmaster-General, 1894.]

Another year's experience has served only to strengthen the conviction expressed in my last annual report as to the excellent working of the civil-service law in the Post-Office Department, and my desire to see its operation extended to every branch of the postal service to which such extension is practicable.

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If a system which relieves the appointing officers of the Department of a great burden, which protects the service by requiring a reasonable test of competency before an appointment is made, and which assures the appointee that his tenure will be undisturbed as long as his efficiency and good behavior continue, has produced such good results in the clerical force of the Department, it is reasonable to inquire whether something like it could not be applied with advantage to the lower grades of postmasters.

To one whose duty it is to study the vast mechanism of our postal system in detail, the fact soon becomes too plain for contradiction that

it is a business and not a political system; and no person can fill the office of Postmaster-General, even for a short time, without devoutly longing for the day when this fact will receive universal recognition.

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For more than one generation the American people have been trained to regard the post-offices as inseparable from the varying fortunes of the two great political parties, and in some instances, even, as legitimately following the vicissitudes of mere factions within a party. This fallacy is to be deplored, whether we treat it broadly as a theory of spoils, or only as reflecting some assumed relation between the principles of a political organization and the business capacity of its membership. The intelligence of our people has long outgrown the notion that any one political party enjoys a monopoly of administrative talent.

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[From the report of the General Superintendent of the Railway Mail Service, 1894.]

The civil-service laws and regulations as applied to the Railway Mail Service accomplish all the most sanguine expected. The eligibles for appointment who have been certified and selected excel in the fundamental qualities, such as suitable age, good physical condition and habits, activity and retentiveness of memory, and prospective growth and length of useful service.

Having such desirable undeveloped material to work upon, the management experience less difficulty in molding it into well-disciplined, industrious, thoughtful, efficient clerks. A much larger per cent of the probationers succeed in earning permanent appointments, and, under the system of development which obtains in the service, they continue to improve during their connection with it, and as opportunities occur, are advanced in class according to their merits. In the judgment of this office the present efficiency could not have been obtained under any other method.

[From the annual report of the Secretary of the Interior, 1894.]

Permanency of service * * * is absolutely necessary to success. I believe it is possible to develop a competent, permanent, nonpartisan Indian service, and I hope before the end of another year that such progress will have been made in this direction that its realization will be assured. * * *

[From the report of the Board of Indian Commissioners, 1894.]

We are pleased to observe the earnest care now exercised by Superintendent Hailmann and the Civil Service Commission in the examination of applicants for positions in this (Indian) service. And we were gratified to read in the report of the superintendent respecting the operations of the civil-service law that "in spite of the limitations it imposes upon the appointing officers, it exerts on the whole a most salutary influence upon the character of the service." We heartily agree with him in the "hope that in due course of time every position in the Indian school service will come within the provisions, or, at least, under the spirit of this law."

* * * * * * *

We recommend * * * the placing of the entire Indian service under regulations of the civil-service law.

[Report of Merrill E. Gates, president Board Indian Commissioners.]

It is more evident with each year of experience that the lack of a systematic application of the approved principles of civil-service reform is the great lack of our (Indian) agency system.

[From the annual report of the Secretary of the Navy, 1894.]

The system of employing workmen at navy-yards through a board of labor, taking them without reference to politics and in the order of their application, giving preference to veterans and those with former navy-yard experience, has been adhered to, and continues to be commended without exception by all naval officers and others whose duties have brought them in contact with it.

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[From the Twenty-seventh Annual Report of the Board of Indian Commissioners, 1895.]

We note with special gratification the important and growing influence of the civil-service regulations to secure efficiency in the school service and permanence in tenure of office. Great care has been exercised in the selection of teachers, matrons, and physicians, and we have gladly given such assistance as we could in investigating the character and ability of applicants for these positions. We hope to see the system still further extended until all the employees in the Indian service are brought under civil-service rules.

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[From the Report of the Public Printer, 1895.]

During the year a movement originated among the employees looking to the extension of the civil-service law to the printing departments of the public service, and a petition, addressed to the Civil Service Commission, was signed by a large majority of them, asking the President for such extension. On August 1 the President issued an order placing the Government Printing Office in the classified service. The employees have reason to hope that the result of the application of the civil-service rules to appointments will hereafter protect the force from an overcrowding of the office—a condition sure to be followed by excessive discharges.

* * * * * *

[From the annual message of the President, December, 1896.]

The progress made in civil-service reform furnishes a cause for the utmost congratulation. It has survived the doubts of its friends as well as the rancor of its enemies, and has gained a permanent place among the agencies destined to cleanse our politics and to improve, economize, and elevate the public service.

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The advantages of civil-service methods in their business aspects are too well understood to require argument. Their application has become a necessity to the executive work of the Government. But those who gain positions through the operation of these methods should be made to understand that the nonpartisan scheme through which they receive their appointments demands from them, by way of reciprocity, nonpartisan and faithful performance of duty under every Administration, and cheerful fidelity to every chief. While they should be encouraged to decently exercise their rights of citizenship and to

support through their suffrages the political beliefs they honestly profess, the noisy, pestilent, and partisan employee, who loves political turmoil and contention, or who renders lax and grudging service to an Administration not representing his political views, should be promptly and fearlessly dealt with in such a way as to furnish a warning to others who may be likewise disposed.

[From the report of the Secretary of Agriculture, 1896.]

Since March 7, 1893, the classified service has been extended until it includes every important permanent position in the United States Department of Agriculture. Reports from the chiefs of bureaus and divisions since this classification are unanimous in praising the enhanced value of the service rendered by their assistants and employees. In efficiency and economy the classification has very visibly improved the work.

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The effect of placing the force of the Bureau of Animal Industry within the classified service has been very marked in increasing its efficiency and improving its discipline. This is particularly apparent with the employees stationed at other cities than Washington. The decreased expense of the inspection work is largely due to this improvement in the force. Every person feels now that his standing, retention in the service, and chance of promotion depend upon the interest which he shows and the care and fidelity with which his duties are efficiently performed.

On March 4, 1893, there were 781 persons employed by this Bureau, but on November 1, 1896, there are only 758, notwithstanding the fact that the work has more than trebled.

Since March 4, 1893, 158 persons have been placed in this Bureau from the eligible lists of the United States Civil Service Commission.

* * * * * * *

In the future may it not be possible for an arrangement to be made, in accordance with law, between the presidents of agricultural colleges and the directors of experiment stations on the one hand and the United States Civil Service Commision on the other hand by which the certificates of the former as to industry, ability, and character will permit their graduates, under the direction of the Secretary of Agriculture, to enter the service without competitive examination? If a reasonable construction of existing law permits those who have devoted years of study at experiment stations and in agricultural colleges, and thus made themselves especially skilled and expert in specific lines of investigation, to enter the scientific bureaus and divisions of the United States Department of Agriculture after a rigid examination by their preceptors and certification by them as to their merits, will not the country begin at once to realize direct benefits from experiment stations and agricultural colleges which under the present system seem to be wanting?

In short, by a judicious extension of civil-service rules, can not the agricultural colleges be increased as to number of students and at the same time made a scientific rendezvous whence the Department of Agriculture may with certainty always draft into its service the highest possible ability and acquirements in specific lines of scientific research?

[Report of Postmaster-General Wilson for the year 1896.]

The Post-Office Department is by preeminence the business department of the Government. It is also the familiar servant of all the people. In the performance of its allotted work it visits daily the homes of millions of them and the immediate neighborhood of almost all the other millions. Any interruption of its work or temporary cessation affects many with anxiety and others with loss. It can not stand still, even for a few days, without neglecting some opportunity or missing some means of adding to the fullness or effectiveness of its service. It is therefore indispensable that it should be run on enlightened business principles, and that its chief officials should each be thoroughly acquainted with the special field of service or organization committed to him, and able and prompt to adopt every facility which the growth of our population, the extension and perfection of our transportation systems, the march of inventions, or the experience of other countries may put at his disposal.

I believe that in this, my last report, I can truthfully affirm that the heads of the several bureaus of this Department have manifested this ability and have done their work in this spirit, and that as a consequence the United States postal service, with all the drawbacks of defective laws and an outgrown organization to which I have referred, was never so efficient as it is to-day. With the gradual inclusion of its employees in the classified civil service, in which reform the President's order of May 6, 1896, has made another step, it is becoming less and less a political machine and more and more a strictly business establishment. To complete this reform two more advances are necessary:

(1) To secure fixity of tenure during efficiency and good behavior to the three Assistant Postmasters-General, *whose work is entirely non-political*, whose capacity to deal with the large machinery and great expenditures of their respective bureaus must come in great measure from experience, and who preserve the continuity of the Department not in mere desk or division work, but in general administration. It is safe to say that the proper training of a bureau chief, up to the point where he may have a vigorous grasp and accurate knowledge of his duties, is a very costly thing for the Government.

[From the report of the Commissioner of Pensions, 1896.]

On the 1st day of July, 1895, by Executive order, the clerks in the pension agencies were placed under civil-service rules.

The wisdom of the change has been demonstrated in the increased efficiency of the clerical force and decided improvement in the entire agency service.

[From the report of the Secretary of the Interior, 1896.]

Indian service.—In extending the civil-service laws to include nearly all officials and employees of this important branch of the Government, marked improvement has resulted in the effectiveness of the work performed; but appointees competent in every other respect are totally unfit for this service if not imbued with a proper appreciation of the claims and character of these wards of the nation. The policy of those now in control of and those connected with the Indian Bureau has been humane, just, and elevating, and the Indians themselves have come to realize that the Government is sincerely desirious of promoting their welfare.

[From the report of the Superintendent of Indian Schools, 1896.]

It is a matter of congratulation that civil-service rules have recently been extended over the entire school service. This will do away, thoroughly and permanently it is hoped, with the baneful influences of patronage, concerning which I have had frequent occasion to report to you, and it will establish in every department of the work the rule of efficiency and character as the only criteria both in appointment and in tenure.

* * * * * * *

Some difficulty may be experienced in providing suitable examinations for some of the minor positions and in obviating needless hardship and exposure to employees with reference to examinations for promotions. In my conferences with the Civil Service Commission upon these points I have submitted feasible and practical plans for meeting these difficulties, and have reason to hope that these plans will be substantially adopted and will be in operation before this report reaches you.

[Report of Commissioners of the District of Columbia, 1897.]

It should be the aim and desire of those charged with the control of the affairs of the District of Columbia to conduct its business for the best interests of the United States and of the taxpayers. Looking to that end, all employees of the District government should be selected and retained wholly upon a basis of merit and efficiency. Partisan control of the affairs of the District has been ignored by every President of the United States since the establishment of the present form of government in 1878, by the appointment upon the Board of District Commissioners of a representative of each of the great political parties.

With all of the departments of the General Government under the protection of the civil-service law, every change in the Administration of the General Government brings to the officials in charge of the District government demands for appointments impossible of recognition, but which are dangerous to the interests of the District, and which seriously interrupt and sometimes practically prevent the conduct of its rapidly increasing business interests.

The Commissioners strongly recommend that the District government be included within the protection of the civil-service law.

[Report of Postmaster-General, 1897.]

Among many methods of perfecting the organization of the service which have been from time to time suggested, none has proved more effective than the consolidation of post-offices. It is to be regretted that the development of this system has been retarded by restrictions placed upon it by legislation, but as these limitations are clearly prejudicial to the public interests, it is expected that they will be not continued.

[Report of General Superintendent Railway Mail Service, 1897.]

There were 6,059,769,680 pieces of first-class mail matter handled during the year just closed and 5,511,771,000 pieces of second, third, and fourth class matter, making a total of 11,571,540,680 pieces, exclusive of registered matter. Of the latter class of matter there were handled 14,640,832 packages and cases, 984,093 through registered pouches and 631,738 inner registered sacks, making in all 16,256,663 pieces of registered matter. There were also handled 462,469,640 pieces of city mail. The increase of ordinary mail handled over last year was

405,217,440 pieces, or 3.7 per cent; a decrease of 329,943, or 2.2 per cent, in the number of single pieces of registered matter, and an increase of 150,436, or 10.2 per cent, in the number of through registered pouches and inner registered sacks handled, which explains the decrease in the number of single packages handled. The amount of city mail handled exceeded that of last year by 54,402,440, or 13.3 per cent.

The following table will show the number of clerks assigned to lines, the amount of mail handled, the number of errors in distribution, with the per cent of increase or decrease, for a period of ten years:

Year ended June 30—	Number of clerks.a	Per cent of increase in clerks.	Pieces of mail matter distributed.	Per cent of increase.	Errors in distribution.	Per cent.		Pieces correct to each error.	Per cent.	
						In-crease.	De-crease.		In-crease.	De-crease.
1888....	5,094	.....	6,528,772,060	.....	1,765,821	.....	.....	3,694	.....	.....
1889....	5,448	6.95	7,026,887,130	7.63	1,777,295	.66	.....	3,954	7.04	.....
1890....	5,836	7.12	7,847,723,600	10.26	2,769,245	55.81	.....	2,834	.....	28.33
1891....	6,032	3.36	8,546,370,090	8.90	2,005,973	.....	27.56	4,261	30.35	.....
1892....	6,417	6.38	9,227,816,090	7.97	1,658,457	.....	17.32	5,564	30.58	.....
1893....	6,645	2.55	9,772,075,810	5.90	1,367,880	.....	17.52	7,144	28.40	.....
1894....	6,852	3.10	10,033,973,790	2.62	1,281,094	.....	6.34	7,831	9.62	.....
1895....	7,045	2.82	10,377,875,040	3.43	1,166,682	.....	9	8,894	13.57	.....
1896....	7,408	5.15	11,166,823,240	7.60	1,134,411	.....	2.76	9,843	10.67	.....
1897....	7,573	2.23	11,571,540,680	3.63	967,538	.....	14.71	11,960	21.51	.....

a Acting clerks not included in this table.

From this it will be seen that while the amount of mail handled has increased 77.2 per cent in ten years the working force required to do the work has increased but 48.6 per cent, and the pieces of mail matter handled correctly to each error in distribution has increased from 3,694 to 11,960.

ERRORS IN DISTRIBUTION.

The above table also shows that there were 967,538 errors in distribution charged against postal clerks during the year, as against 1,134,412 for last year, a decrease of 14.7 per cent. There were 722,276 errors in distribution checked against post-offices, a decrease, as compared with last year, of 80,295, or a little over 10 per cent.

[Report of First Assistant Postmaster-General, 1897.]

The removals equal but 1.06 per cent of the entire force, while last year they were 2.1 per cent, and for the year 1895 3 per cent, and 1894 4 per cent. This very small number of removals is evidence of the strict enforcement of the regulations which forbid the removal of a letter carrier except for cause, after he has had due notice by a copy of the written charges and an opportunity to submit his defense to the same. It also marks an improvement during the last year in the discipline and conduct of letter carriers, which had already reached a very high standard of efficiency.

The CHAIRMAN. Mr. Procter, I shall have to ask you to come here to-morrow. There are a few questions which I should like to ask you at the next meeting. We are very much obliged to you, Mr. Procter.

Mr. PROCTER. I feel grateful to the committee for its patience.

The subcommittee adjourned until to-morrow, Friday, February 4, 1898, at 10 o'clock a. m.

FRIDAY, *February 4, 1898.*

The subcommittee met at 10 o'clock a. m.

Present: Senators Pritchard (chairman), Lodge, and Harris.

EX-SOLDIERS IN THE CIVIL SERVICE.

The CHAIRMAN. We have with us a number of gentlemen from New York, representing the Grand Army of the Republic, who desire to submit a statement with respect to Senate bill 3256, introduced by Senator Platt, of New York, and referred to this committee. Senator Platt has requested that we give them a hearing this morning; and inasmuch as they are present and desire to return home soon, the committee will now hear them.

OPENING REMARKS BY HON. JAMES R. HOWE, REPRESENTATIVE IN CONGRESS FROM NEW YORK.

Mr. HOWE. Mr. Chairman and gentlemen of the committee, this bill, Senate bill 3256, in reference to the civil service and appointments thereunder, is identical with one introduced in the House (No. 6086) in the interest of which a hearing was granted yesterday before the Committee of the House upon Reform in the Civil Service.

The bill has for its object the giving of preference to Union soldiers for all places in the Government service. It seems to me that the enactment of such a law would be but simple justice to the men who were instrumental in making it possible for us to be a united nation to-day. I believe it would prevent the old soldier from being made a football on the part of designing men who would like to use them for their own selfish purposes, and in that interest I think the bill should command your earnest consideration and eventually be enacted into law.

There are a number of Grand Army men present, especially Mr. Joseph W. Kay, who has been instrumental in originating the bill. He is indeed the originator of the measure, and I would very much desire to have him heard before your committee.

The CHAIRMAN. We shall be glad to hear anything Mr. Kay may have to submit to the committee in support of the bill.

STATEMENT OF JOSEPH W. KAY.

Mr. KAY. Mr. Chairman, I want to premise a moment by saying that a little more than thirty-three years ago the Congress of the United States, together with our martyred President, Mr. Lincoln, enacted a law by which men honorably discharged from the military and naval service of the United States during the war by reason of disability, resulting from sickness or wounds incurred in the line of duty, should be preferred for appointment to civil offices. A second section of the act is now section 1755 of the Revised Statutes, which was recommendatory in its character, and it asked that those men who were honorably discharged at the expiration of their terms of service might be given lucrative employment in the several walks of life.

The mandatory statute was finally put into force somewhere about 1885 by making a test case here in the city of Washington, at which a man named Morris Keim was used as my object. The principle was

there established that if a veteran coming within the provisions of the mandatory statute should pass a civil-service examination he should be put at the top of the list and be first certified and appointed before any other persons on the list. That practice has been followed out under the Government from that day to this.

Subsequently, on my application to both Presidents Cleveland and Harrison, modifications of the civil-service rules were made by which any veteran not entitled to those considerations, becoming disconnected from the public service through any fault or delinquency on his own part, might be restored to it at any time without a new examination and in a grade not higher than the one from which he was removed. My object, however, in trying to have that done has not produced the result that I hoped for. I sought to take the veteran entirely out of consideration as a political factor, but let me give an illustration of the result. There are 110 or 115 men in the New York custom-house alone replaced as the result of this order. They were removed from time to time for political reasons; there is no question in the world about that; and then as the Administrations changed and mutated the official in charge would recommend their restoration and have those men put back. It was a beneficent rule to that extent; but I hold that the service which we rendered this nation was to neither of the political parties. We were the servants of the people of the country, and we are to-day wards of the nation and not wards of either of the political parties.

It was my fortune during the term of Mr. Cleveland to present to him, in connection with General Slocum, the situation from the veterans' standpoint, and it is my testimony here and now that during his first term as President of the United States there were 4,000 men held in public employment in these departments because of the representations which I made and in which I was seconded by General Slocum at that time. I did it simply and solely for the reason that those men served the country faithfully in war, and that they had the right to carry their sovereignty under their own hats. I claim that in the line of battle and on the decks of our war ships during the war any man who offered his life as a sacrifice for the nation if need be had the right to vote as he pleased in this nation, and evidently the President thought as I did on that subject, because 4,000 of them were kept in.

I will state what my claim was based upon. You will excuse me if I add a few words on this point. My claim was based upon the idea that thirty-three years ago, very nearly now, on two successive days down this broad avenue there passed in a grand final review, the first day, the Armies of the Potomac and the James, and, on the second day, the great army of Sherman. If that great army had simply said "This is our country," who was there at that time who would have dared to say them nay?

The law I speak of, which was placed upon the statute books on the 9th of March, 1865, did not give a preference to men, who like myself and others whom I am here to represent, saw three years of service in the war. Before I was 20 years old I was discharged from that service, having been twice wounded in action; but I was given no preference whatever in the race for life. The armies that I speak of melted away and vanished out of sight. We returned to the homes from which we had gone as young men and boys and we found that the tide of emigration had continued during those four years of war; that the young children had grown to manhood and womanhood, and we had to understand as a matter of fact that our places had been filled and that we were

absolutely crowded out. Speaking from my own personal experience, for nine weeks I walked the streets of the great city of New York until I walked upon the uppers of my shoes, going from door to door seeking an employment which at the time would have been the means of existence for myself and my mother. But I got nothing. I realized then what a sacrifice it was to have entered the service, having found when I came back that there was no place in which I could claim a right to earn a living.

For fifteen years I have been knocking at the doors of Congress in behalf of my comrades of the war, three years of the time being chairman of the legislative committee of the Grand Army of the Republic of the United States, asking that my honorable discharge from the service might be made as good as a certificate from the service that I was discharged from the Army by reason of disability resulting from sickness incurred in the line of duty in the matter of giving me preference in public employment. Personally, I have no desire to enter the public employment. Personally, I am not the representative of any man who seeks to enter the public employment under that preference. But on the principle that the men who fought that war and saved this nation were as salvers, if you put it in no other sense, we are entitled to whatever may be produced on the sale of the derelict. Congress after Congress the bill would be handled. Once in the Senate it was passed, having been originally introduced by Mr. Evarts. In the next Congress it passed the House; but never in any single Congress did the bill get through both Houses. Recent events, I mean events within the purview of the last three or four years, determined me to make a further appeal to Congress upon the question of preference, and as the result of experience to embody in that bill what I thought would cover full protection to the veteran and give him a fair share in the race for life. Out of that came these bills known as House bill 6086 and Senate bill 3256.

The CHAIRMAN. Will you please explain briefly the provisions of the bill?

Mr. KAY. Exactly. That is just what I want to take up now. The provisions of the bill are that under the civil-service regulations, wherever they apply, either in competitive or non competitive examinations, if a veteran of the war applies for a place and passes the examination and the tests he shall be put at the top of the list and be first certified, as is now the case under the law with the man discharged from the service by reason of disability resulting from wounds or sickness incurred in the line of duty. The application of the present law is to be made general. That is one provision. The bill goes on further to provide that persons thus preferred shall not be removed from their positions except for good cause.

Senator HARRIS. Mr. Kay, just excuse me for a minute. Before you leave the first point mentioned let me ask whether you mean that the veteran shall be put at the head of the list certified by the commission regardless of his standing on the examination?

Mr. KAY. Yes, sir; if he passes the examination. He must pass the minimum of the examination before he does that.

Senator HARRIS. But that being done, he goes to the head of the list regardless of the superior marking in the examination of others?

Mr. KAY. Yes, sir.

Senator HARRIS. I wanted that to appear. That is all.

Mr. KAY. That is exactly my point, and that is the point I had to contend for two or three years after the civil-service law went into effect

before I could secure it right here in the city of Washington. I want it made just as plain, Senator, as it is made by a provision of the constitution of the State of New York. Section 9, article 5, provides that—

"Appointments and promotions in the civil service of the State and of all the civil divisions thereof, including cities and villages, shall be made according to merit and fitness, to be ascertained so far as practicable by examinations which so far as practicable shall be competitive: *Provided, however*, That honorably discharged soldiers and sailors from the Army and Navy of the United States in the late civil war who are citizens and residents of this State shall be entitled to preference in appointment and promotion without regard to their standing on any list from which such appointment or promotion may be made. Laws shall be made to provide for the enforcement of this section."

That is the constitutional enactment of the State of New York upon the subject.

The CHAIRMAN. The law as it now stands includes only those who incurred disability, I understand?

Mr. KAY. Yes, sir.

Senator HARRIS. I do not think your bill is quite clear. Of course it would be easy to remedy the matter. The insertion of a few words such as are used in that constitution would make it absolutely impossible to be misunderstood.

Mr. KAY. Gentlemen of the committee, the object of presenting the bill here is not to be a stickler upon its language or form or anything of that kind. If we can get what we aim at with the sanction of Congress our object is accomplished.

Senator HARRIS. I was merely endeavoring to make my own mind perfectly clear as to what the bill means.

Mr. KAY. Yes, sir. I will read the clause beginning with line 22 of the first section:

"And persons thus preferred shall not be removed from their positions except for good cause, upon charges and after a hearing; nor shall the positions they may hold be abolished."

It is not sufficient ground for you to dismiss an honorably discharged veteran from the service of the United States by simply placing opposite his name "for cause." He is entitled to know the reason why he is discharged. I object to such a thing as that being made a cloak to cover up and take from a veteran that to which he ought to be entitled under the law.

On the question of the abolition of the office the same thing applies. It may seem to you, gentlemen of the committee, to be drastic, but notwithstanding that, the result of the experience has been such that, to my mind, gratitude to the defenders of the nation should carry them out of the political field entirely as a factor in our American life. These men fought not for either section; they fought not for either party; they fought for the Union, the whole Union, and nothing but the Union. Consequently this provision giving them the right to defend themselves when accused, it seems to me, is only in accordance with the practice of our General Government.

"Nor shall the positions they may hold be abolished."

That is drastic in its character naturally, because a great many places might be filled by veteran soldiers the use of which would pass away; but as I have said to you, gentlemen, it is not my desire to have you stick by the letter of this measure. The object that I seek to accomplish is clear. Let the bill be reported so as to provide that if these places should be abolished, then the veteran shall be given a position

which he is competent to fill or send him back to the eligible list for assignment to such position as he can fill. That would cover my point.

The CHAIRMAN. Do you not think that a provision of that nature would be better than to provide that the places shall not be abolished under any circumstances?

Mr. KAY. I think possibly that is true; and so it occurred to me yesterday in the argument before the committee of the House on the same subject. It is drastic language, I understand that, but allow me to show you what I want to get rid of.

I have in mind a little case that occurred in the city of Brooklyn. There was a man in Brooklyn who was a Union soldier, a man in whom I have full confidence, and the more I know of him the more I become satisfied that he has been wrongfully used. He was a man named George W. Thompson. He was janitor of the United States court-house and post office building there at a compensation of $800 per annum. The mutations of politics caused a change in the collector of internal revenue. He was made custodian of the building, and the first thing we knew he came to Washington and discussed the matter here, as I was afterwards advised. There are some things which I am not at liberty to state fully, because they were not given to me officially. I understood that he made a recommendation that the office of janitor be abolished. They had in that building a janitor at $800. They had there an assistant janitor at $720. The man who held the $800 place was a veteran of the war, a man of excellent character and well qualified for his place. The other was a man 25 years of age. The veteran was a man with a family. The other was a young man, 25 years of age, without a family, at $720 per annum. The collector had the office of janitor abolished and kept the young man of 25 there. He refused even to let the veteran take the position at $720 per annum, but put him out on the streets on the 1st day of December. That is the kind of abolishing that I desire to get rid of. We appealed to the Secretary of the Treasury on this question. It is referred to the Civil Service Commission, and they claim that there is no rule, no law, no anything that can question the act of that official in recommending the abolition of that office and in abolishing the position of that veteran.

What I seek to do, Mr. Chairman, is to prevent the abolishment of the position of the veteran and then the resurrection of the place under a new title shortly afterwards, and putting in a man who may be a political heeler. That is my point, and how it is expressed is immaterial to us. I do not care how it is expressed.

Now, another question comes up, and I want to speak to the committee on that subject for just one minute. Objection has been made from some quarters as to the period of service in the war which entitles veterans to be called such and to be preferred as such. In our Grand Army of the Republic any man who was mustered in and mustered out of the service of the United States between two certain dates, April 12, 1861, and August 26, I think 1865, is eligible to membership, if otherwise acceptable and if he is possessed of an honorable discharge from such service. Consequently you can understand that we can not make a distinction. But that is a matter for the discretion of the committee. If they see fit to conclude that thirty days' service does not entitle a man to be called a veteran they are at liberty to fix such a period of time as they think will constitute him a veteran. But as to that we can not even make a suggestion. To us every man who wears our button is exactly and identically the same, whether he be a general of the highest rank or a private soldier. Fraternity without regard to

former rank is the broad foundation stone of the organization, and consequently, as a committee or as individual members, we can not suggest anything to the committee of the Senate that will help out in that regard. I think, though, on behalf of myself and all others whom I have the privilege of representing, that we will be entirely satisfied with any arrangement which the committee may consider a proper one to make on that point.

Now, I come to the clause in the bill which has created a great deal of talk.

The CHAIRMAN. Is that section 2?

Mr. KAY. The proviso to section 1, from line 25 to line 32. It reads as follows:

"*Provided, however*, That persons so preferred, or any such being in the Government employ at the time of the passage of this act, and receiving a compensation, wage, or salary of one thousand two hundred dollars per year or over, they being pensioners of the Government, shall surrender their right thereto, and such pension shall not be paid them thereafter while they remain in said employ receiving compensation, wage, or salary therefor."

I hardly need remind you, gentlemen, that there has been a great deal said recently in regard to the pension roll. My mind reverts to-day to the expenditure of an appropriation something like $400,000 during the last Administration, the object of which was to trace up the tremendous fraud that was perpetrated upon the pension roll. Thirty-nine was the result, an average cost of nearly $11,000 apiece to discover every fraudulent pensioner on the pension roll as far as it could be done. Does all this idle talk and all the trouble on the subject that comes as it came during the war times, equally as much from behind as it did from the front, constitute this roll anything except what it is—a roll of honor?

While I am firm in my belief as to that, I thought that now was a time to put in something here. Give us the proper preference that we are entitled to in the public service. The places that I have in my mind are those positions which are $700, $800, $900, and $1,000, and are enough to enable a man to keep his family and keep body and soul together. I speak of those more than of the larger places. I say for myself, put in a clause here which will show that the soldiers of this nation are not mercenary and that they are willing to give up something to obtain a tangible preference that they ought to have had when the war closed.

Senator HARRIS. You said something about the trouble coming from the front during the war. I hope you do not assume or infer that the same trouble or this talk with regard to the pension roll comes now from what was the front during the war?

Mr. KAY. On the contrary, Senator, I want to say that it is my experience, and it is the experience of every other man who has stood in these ranks fighting for this principle or this cause, that the men from the South who were in the field have been the best friends that the Union soldier has found since the war.

Senator HARRIS. I am very glad to hear you say that.

Mr. KAY. I mean the men in public life.

I found considerable opposition to anything being said upon the question of pension, but I want to say, if I may, that there are a great many men in our organization like myself who want no gratuity from the Government. They do want a right to earn a living in the land they helped to save and which at the time they owned. I do not think to-day (any more than the question could have been raised 33 years

ago as to whether this Government belongs to us) that it can be doubted by any sincere man that what we ask for here is reasonable.

As to the other provisions of the bill, in any bill that may grow out of this, in any report that you may make on this subject, it seems to me that it should be made just as close as it can be, that officials and other persons having the power of certification or appointment to employment in the public service shall not attempt to evade its provisions.

There is one little experience that I want to relate to you. In 1883, in the State of New York, the legislature of the State passed and it became a law, chapter 354 of the laws of that year, what is known as the civil-service law. Veterans were to be preferred thereunder, but it says in brackets "over others of equal standing." The time came when a test had to be made of that provision. I went to Judge Clements, one of the supreme judges of the State and he sent me to a little man whose name has become national in a sense, William J. Ganna, then a young practicing lawyer in our city. He said to me "Kay, if Mr. Ganna will not take that case, come back to me and I will head a subscription with $25 to help you to carry out this principle." The legislature provided a civil-service law but it had a clause with four or five words in it which read "over others of equal standing." I claimed that that clause "others of equal standing," under the civil-service rules on the question of rating or marking, when a man was found to be competent, could not be held down to the strict letter. But the court decided that a veteran with a marking of 89-$\frac{9}{10}$ had to stand aside for a civilian with 90—one-tenth of 1 per cent. The gratitude of the State of New York to its veterans, the gratitude of the nation to the veterans, can not be measured by any one-tenth of 1 per cent. But that was the fact, and when it came to the general term Judge Pratt, a veteran himself, the presiding judge, was compelled under the language of the law to decide that that is just exactly what it meant. Since that time every effort that I have made has simply been to draw anything of this character in such a form that you can not drive horses and buggies or horses and trucks through it. When that promise is made to the ear do not let it be broken to the hope.

It may be that the Senate of the United States may think that it is a good deal I have asked here, but we do not feel that way. Those of us who served during the war want to be put on an equality with others. If, in your judgment, you do not think well of the pension clause, I am heartily in favor of eliminating from it any man who was discharged from the service by reason of wounds or loss of limb. In other words, if he is a fully disabled man let the compensation—it is not compensation—let the recompense for the loss of that limb come to him, as it should do, because of a portion of his body left upon the battlefield; but when it comes down to the men who, under the law of June 27, 1890, have been put upon that roll because they are not so well able to earn a living as they were, and they are willing to swear that their ability to earn a living has been taken off so much, then I say to you that any man who is on the pension roll under such circumstances and holding a public position where he can earn $1,200 a year or more to help sustain himself and his family, should give up his pension certificate without any question while he holds that office. Then he will demonstrate that he is not mercenary; and unless he does something of that kind, in my judgment, he is doing an injustice to every other citizen who is a taxpayer in the country.

Senator HARRIS. I can see that there will be considerable propriety in asking the pensioners who receive a pension under the law of 1890

to surrender their pension, but certainly in the case of a pensioner who is receiving a pension for such cause as you indicate, the loss of a leg or arm, or anything of that kind, it looks to me as if it would be at least somewhat harsh and unjust to expect him to give up his pension.

Mr. KAY. I suggest that just two or three words be changed in that part of the bill by providing that if discharged by reason of wounds or disabilities incurred in the line of duty they are excepted from the provision.

Senator HARRIS. Well, I agree with you on that point.

Mr. KAY. I do not think that the sense of the nation would take from a pensioner who lost a limb in the service of the country, or who was otherwise injured, the pension he may receive because of his disability.

Senator HARRIS. The argument would apply only to those receiving pensions under the law of 1890, which implies disability?

Mr. KAY. That is it exactly.

Senator HARRIS. They would not be pensioned under those conditions?

Mr. KAY. That is just exactly it. I wish to say to the committee that any man who prepares anything of this kind must naturally act in the dark as to his own views on the subject; and naturally, if he goes before the Congress of the United States, he expects that the committee shall exercise whatever judgment they may feel to be right, having in view the attainment of the real object sought, provided that they reach the conclusion that it is proper legislation to enact.

I might cite a good many cases in support of this bill or some measure of a similar character, but I think I shall make only one single point more. Gentlemen, if the debt owing by the different States to the men who enlisted from within them to go to the war is great, how much greater, viewed from all sides, is the debt for the establishment of this Union owing by the nation at large; and is it not reasonable and fair that those of us who do seek public employment shall not, because of the civil-service rules and laws, be forced up against a stone wall in the face of young men fresh from the colleges and schools? My education was sadly neglected. I left the public school in the city of New York when I was 9 years old to go out into the world and help my mother to earn her living. My ability, whatever it may have been, was carved out in the sand as I walked along through the State of Virginia during the campaigns under both McClellan and Hooker and under those who succeeded them until after Appomattox. I am only a representative of one of the boys of that day who left everything that they had in the world or everything that could have given them an opportunity, at the age of 16 years, when a young man, as a rule, first starts in to obtain an education, to seek to help to preserve this Union, and I have no hesitation in simply saying to you that this is the basis. This is our claim, and we are going to leave it to you and to your discretion. Amend this bill in any way you will; do whatever you may think is just as between the Union veteran and the nation at large, and we shall be content.

I think it is fair to you, gentlemen of the Senate, to say that a bill passed in the last House, and that if that was adopted into a law it would be a satisfactory bill, I think, because it simply takes section 1754 and amends it bodily by providing that, whatever preference is given to disabled veterans discharged by reason of disability resulting from wounds or sickness incurred in the line of duty, shall be extended to all those honorably discharged.

I do not think that I want to say anything more upon the subject,

gentlemen, unless there is some question that suggests itself to you as a proper one to propound.

The CHAIRMAN. Is there any other gentleman present who desires to be heard upon the bill?

Mr. KAY. Mr. Strout is here; and I want to say, in presenting him, that he is in a position, having been connected with the navy-yard at the city of Brooklyn as foreman of a body of laborers that numbered several hundred, to give some information upon the subject which could not probably be obtained from any other source. He left there of his own volition, and has the highest encomiums from those who were immediately his superiors on leaving there. He now occupies a position in the appellate division of the supreme court of Brooklyn. Mr. Chairman, I refer to Comrade Charles W. Strout, who sits on your left.

The CHAIRMAN. Mr. Strout, we shall be glad to hear any statement you may wish to make.

STATEMENT OF CHARLES W. STROUT.

Mr. STROUT. Mr. Chairman and gentlemen, I thank you for the privilege to appear here. I should like to pursue a little different line from that followed by my comrade Kay. The law to which he has referred, giving preference to wounded and sick men who were discharged from the service for disability, applies most unfairly to those for whom I wish especially to speak and in whose behalf I ask your consideration. I refer to those who are in the mechanical departments of the Government. The very fact of a man being discharged for disability operates against him upon the ground that they want able-bodied men. Therefore, we could claim no preference at all under the law. Those I desire to speak for are the men who are able to do a day's work, and we claim that in the operation of the different laws they have been discriminated against.

I went into the navy-yard after passing a competitive examination under the rules provided by Secretary Tracy. I held my position over five years, and at its conclusion I tendered my resignation, for the reason that I had passed another competitive examination and secured my present position. In fact, all I have ever had I have secured in that way from way back in the sixties while in the service.

When I assumed the duties of the position of which I was placed in charge, I found men there who had been placed there merely through the operation of politics. When I left my position 95 per cent of the force of men who were upon my roll were veterans. They gave complete satisfaction; they did their work well; and I have with me, as a testimonial, a letter of thanks from the head of my department commending the manner in which the work was performed, to his entire satisfaction.

When I first assumed the position, I found men in charge of the departments who had been connected with the Government for a long period of time. They had sympathy for the men we represent to-day, and at no time while they were in office, and were my immediate superiors, was a discharge to be made that I was not cautioned especially to favor the veterans in a discharge. But a class have come up who do not have vivid recollections of the days of '60, and they are now in supreme command. They lack a feeling of sympathy, and are too ready to say that the men who served this country are unable to

perform a fair day's work. Men have been discharged who I know were efficient men. They were discharged upon the ground that they were less efficient than others, and immediately upon going from the yards they went outside and secured employment at first-class pay. We do not ask for an opportunity for any man who is not able to perform his work. We simply ask a chance for those men to be protected who can work and are willing to do so at fair compensation.

Gentlemen, if you could but listen to a portion of the complaints which come to us as representatives of the Grand Army of the Republic in the city of Brooklyn, men thrown out of employment without a fair chance, it seems to me you would give us what we ask in this bill. We ask for nothing but that which is fair and just, and if the opportunity is given us we will demonstrate by our fidelity to duty that the men of the sixties are ready to be as faithful to the Government to-day as they were in the early days.

Mr. KAY. Mr. Iffla, who desires to say a few words, is a veteran of the late war, who there lost a limb.

STATEMENT OF ABRAM G. IFFLA.

Mr. IFFLA. If I could be assured, Mr. Chairman and gentlemen, that the amendment offered by Mr. Kay would be placed in this portion of the bill I would have nothing further to say; that is, eliminating from this clause——

The CHAIRMAN. I think you can safely assume that no bill will be passed without an amendment of that character.

Mr. IFFLA. Then I have nothing further to say. I will not detain you. That is all that is necessary.

Mr. HOWE. Mr. Chairman, I wish to say that Mr. Iffla represents the fully disabled veterans of Brooklyn, and he speaks for one of the noblest lot of men it has ever been my privilege to meet.

STATEMENT OF DAVID W. LEE.

Mr. LEE. Mr. Chairman, I merely wish to say a few words in regard to the manner in which the veterans have been treated in the appraiser's department at the port of New York.

Early in 1894 there were several veterans, men who had honorable records, who were removed simply for political reasons. One that I have reference to is a man who, I think, was one of the most faithful men we had in the department, as the records of the department will show. He held the position of opener and packer. He was one of the first to enter at the building in the morning. The records of the department will show that his name was on the time book every morning about the first one. Also, a messenger who served three years faithfully in the First New Jersey, a wounded veteran, partly disabled. These men were removed in 1894, and other men, young men, put in their places; and to-day, while the appraiser is willing to reinstate them, the civil service prevents him from doing it.

At the time they were removed they were not covered by the civil service, but after the places were filled the civil-service fence was extended to embody the positions which they had held. Those men are out, and it is only justice we want to see done in having them reinstated, if it is possible. As the law stands, the appraiser can not remove any of the men who are in the service without just cause and charges

being preferred, but he is willing to reinstate the veterans to the places, and that is one reason why we want to have this bill fixed, so that the veterans can be restored to their places.

ADDITIONAL STATEMENT OF JOSEPH W. KAY.

Mr. KAY. Mr. Chairman, yesterday we had with us before the Committee on Reform in the Civil Service of the House of Representatives the commander in chief of the Grand Army, Gen. J. P. S. Gobin, of Pennsylvania, but to-day he had an appointment some 40 miles from here, and he could not stay.

I simply desire to say to the gentlemen of the committee that I represent him and the Grand Army of the Republic throughout the United States in asking that this bill be reported under such conditions as you think proper and that action may be given us on the line of the argument which I have already made. If General Gobin had not been called away he would have been here to substantiate the statement I have made or to make a similar statement.

Yesterday, in the consideration of this question, General Gobin took the view that possibly the pension system should stand alone and the preference should stand alone also.

The CHAIRMAN. Eliminate that question entirely?

Mr. KAY. Yes, sir. If the committee shall see fit to eliminate from lines 24 to 32 as the bill stands, they are entirely willing that it shall be done. I think it is only necessary for me to give to you, if you will take it, two or three lines that I have put in here, of my own suggestion, which may meet with your approval.

Mr. HOWE. Mr. Chairman, we are much obliged for this hearing.

Mr. KAY. We thank you very much for the consideration you have shown us, and we hope our story has been plain enough, and that we have impressed upon you strongly enough that we do not want anything except what we think is reasonable.

CIVIL SERVICE COMMISSION.

TESTIMONY OF JOHN R. PROCTER—Continued.

FIELD AND OFFICE DEPUTY MARSHALS.

The CHAIRMAN. Mr. Procter, I wish to ask you a few questions with respect to the deputy marshals and clerks employed in the office of United States marshals. I wish you would please make a statement defining the status of deputies and clerks in the office. The question has been raised in the Senate and there seems to be some dispute about it.

Mr. PROCTER. The commission found from the report of its examiners who were sent to visit the various offices throughout the country that there were a large number of persons in the offices designated deputies, but whose duties where wholly clerical. They were designated deputies in order that they might administer oaths, I think, and at times they exercised the functions of deputies, but their main duties were the duties of clerks.

The CHAIRMAN. Are they classified at present?

Mr. PROCTER. They are.

The CHAIRMAN. Have you prepared an eligible list in the different States from which to make appointments for that class of clerks?

Mr. PROCTER. Yes, sir; we have several eligible lists from which

such vacancies might be filled. For instance, they might want a stenographer. The place could be filled from the stenographers' register. They might want a bookkeeper. The place could be filled from the bookkeepers' register. Then we have what is known as the ordinary departmental clerk-copyist register, and then we have the register of persons examined in the various localities or internal-revenue districts, with an additional examination on practical questions, as indicated by the internal-revenue department. In filling vacancies they could call for a certification from any of those registers.

The CHAIRMAN. Do I understand you to say that you have an eligible list in each district in the United States from which they could select stenographers?

Mr. PROCTER. No; certainly not. We have a register for stenographers. If an internal-revenue collector wished a special stenographer with certain qualifications which were not demonstrated by the examination, we would probably, upon requisition, hold a special examination in that district for that particular vacancy.

The CHAIRMAN. I am speaking now with respect to United States marshals and deputy marshals.

Mr. PROCTER. I misunderstood you. I do not believe that the Department of Justice has called for an examination for deputy marshals, although letters have been addressed to the Department of Justice requesting that some one be detailed to indicate the scope of the examination. But I am not positive on that question.

The CHAIRMAN. Have they called for a list from which to appoint clerks in the various United States marshals' offices in the country?

Mr. PROCTER. They have not, although the commission has a list from which clerks might be appointed, and has frequently called that to the attention of the Attorney-General.

The CHAIRMAN. Are the places of clerks inside the United States marshals' offices properly classified at present, as you understand it?

Mr. PROCTER. I think they are properly classified, because they are classified by the Attorney-General under the direction of the President.

The CHAIRMAN. Do you think that the recent rule of the President issued in July applies to them?

Mr. PROCTER. I do.

The CHAIRMAN. In cases where there has been no eligible list provided?

Mr. PROCTER. I do.

GOVERNMENT PRINTING OFFICE.

The CHAIRMAN. Have you any suggestions to make to the committee with respect to the Government Printing Office?

Mr. PROCTER. Only that the Public Printer should be required to obey the law.

The CHAIRMAN. Do I understand you to say that he is not obeying the law?

Mr. PROCTER. I do not think he is, Mr. Chairman. While he may be technically obeying the law, the law requires that reasons be given for separations from the service and that reports be made to the commission. Now, on the monthly reports there are quite a number of dismissals, and opposite the name is simply stated "for cause," or "for the good of the service." I doubt whether that is a compliance with the law and the President's rules.

The CHAIRMAN. Have you observed the rule of apportionments in making appointments in the Government Printing Office?

Mr. PROCTER. Only to the extent I shall state. The commission holds examinations in the District of Columbia and admits citizens of the District of Columbia to those examinations with the understanding that such persons are to be placed on a register from which temporary appointments may be made when there is an emergency called for by Congress, for instance, and it would not be practicable to send to persons from the remote parts of the country. But we are trying as far as possible to bring up the apportionment of the States having a small number of appointments, although the rules of apportionment have not been made to apply to the Government Printing Office.

The CHAIRMAN. Can you furnish the committee with a statement showing the number of appointments in the Government Printing Office and the States to which they are properly chargeable?

Mr. PROCTER. I can.

The CHAIRMAN. We would be glad to have you do that.

Mr. PROCTER. I shall do so with pleasure.

The statement referred to was subsequently submitted by Mr. Procter, as follows:

List of appointments made through examination and certification to the classified service of the Government Printing Office from the date of classification (August 1, 1895) to February 4, 1898.

State or Territory.	Compositor.	Pressman.	Stereotyper.	Electrotyper.	Electro-finisher.	Electro-molder.	Bookbinder.	Skilled laborer.			Messenger boy.	Assistant electrician.	Public document cataloguer.	Saw filer and knife grinder.	Fireman.	Steam fitter.	Saw grinder.	Leather parer.	Plumber.	Total.
								Male.	Female.	Total.										
California	1	1																		2
Colorado	3						1													4
Connecticut	1			1		1			1	1										4
Delaware							1													1
Dist. Columbia	14	2	2				12	14	100	114	3	2		1	3	1			1	155
Florida	1																			1
Georgia	5					1														6
Illinois	17	1			1		1		3	3										23
Indiana	12	1					2							1			1			17
Iowa	12						1													13
Kansas	10																			10
Kentucky	4																			4
Maine	1																			1
Maryland	10	1			1		4	2	5	7										23
Massachusetts	9						1				1									11
Michigan	9	3					2													14
Minnesota	10	1				1														12
Mississippi	1																			1
Missouri	3						1						2							6
Montana	3																			3
Nebraska	3						1													4
New Hampshire	3	1																		4
New Jersey	13	2																		15
New York	32	8			1	1	7	1	2	3		1						1		54
North Carolina	4																			4
North Dakota	2	1																		3
Ohio	18	1				1														20
Oregon	1																			1
Pennsylvania	29	2					4													35
Rhode Island	1																			1
South Carolina	1							1		1										2
South Dakota	3																			3
Tennessee	5						1													6
Texas	1																			1
Utah	1						1													2
Virginia	9						2		1	1										12
Washington	3							1		1										4
West Virginia	5																			5
Wisconsin	3						1													4
Total	263	25	2	1	3	5	43	19	112	131	4	3	2	2	3	1	1	1	1	491

The CHAIRMAN. It is your opinion that the rule of apportionment should be observed in the Government Printing Office?

Mr. PROCTER. I think it should, with the exception that there should be some latitude to meet emergencies.

The CHAIRMAN. Oh, I think so myself. I quite agree with you in that respect. But as a general rule, where it is practicable, that office should be made to conform to the rule in other departments?

Mr. PROCTER. I am a very great stickler for a rigid observance, as far as practicable, of the rule of apportionment, this being a Federal system of government, and the people from all the States being entitled to equal privileges to serve the Government.

The CHAIRMAN. As I understand you, no appointments are being made at present from the District of Columbia except in cases of emergency?

Mr. PROCTER. To the Government Printing Office?

The CHAIRMAN. Yes.

Mr. PROCTER. I think that is the rule.

The CHAIRMAN. That is the rule observed by the commission?

Mr. PROCTER. It is the practice, I will say.

The CHAIRMAN. You have no rule with respect to that matter?

Mr. PROCTER. Simply that has been the practice. As I said, there is no rule ordering the commission to observe apportionment.

The CHAIRMAN. Whose duty is it to issue such a rule?

Mr. PROCTER. The President of the United States.

APPOINTMENT OF LETTER CARRIERS.

The CHAIRMAN. Is it a fact that the commission exercises a discretion with regard to the appointment of letter carriers, and appoints only those who live within a certain territory to the exclusion of others on the list living outside of that territory?

Mr. PROCTER. No, sir; with an exception. I think I have the correspondence here that covers that ground [examining]. I can not put my hand on it now.

The CHAIRMAN. I should like to have you make a statement, and then you can incorporate the correspondence.

Mr. PROCTER. I can make a statement from memory. The Post-Office Department notified the commission that hereafter it would be the policy of the Department, where free delivery was established in a new office, in making its first appointments, to appoint only persons residing in the locality. After consultation with the Department it was deemed advisable to concede that right to the Department, for the reason that we believe that persons residing in the locality are better acquainted with the people who are to be served, as those carriers have not had the necessary training which is given an older service by appointing substitutes, and another reason was that the Department could appoint from persons outside of the locality and could dismiss them on probation in order to get persons in the locality, and that would carry those people off the list. The Department did not wish to do that, but said that for subsequent appointments those people who might have come from other localities and taken the examinations would be treated along with the residents.

The CHAIRMAN. At what stage were they to be treated as residents?

Mr. PROCTER. After the initial appointments the carriers who were to put in operation the new system, but for the initial appointments they desired only persons residing in the locality. If the Department

request the commission to exclude persons who reside outside of the city limits, I think that the commission would be compelled to accede to that request.

The CHAIRMAN. So they are not absolutely deprived of the right to be certified for appointment?

Mr. PROCTER. No, sir.

The CHAIRMAN. Are there any instances wherein parties have been taken from one list in one city and placed on a list for another city and appointed?

Mr. PROCTER. In the postal service?

The CHAIRMAN. Yes, sir.

Mr. PROCTER. I do not recall any.

The CHAIRMAN. Is there anything of that kind in the Internal-Revenue Service that you know of?

Mr. PROCTER. I do not recall any. I do not think there is.

NATIONAL REPUBLICAN ANTI-CIVIL SERVICE LEAGUE.

The CHAIRMAN. Mr. Baker, before we proceed further with Mr. Procter's examination, at the suggestion of Senator Lodge, I desire to know if you have the papers referred to the other day?

Mr. BAKER. I have here the constitution and by-laws of the National Republican Anti-Civil Service League.

The constitution and by-laws are as follows:

Constitution and by-laws of the National Republican Anti-Civil Service League.

PREAMBLE.

The purpose of the league is to oppose the further extension of the law known as the civil-service act of January 16, 1883, and to influence, by all honorable means, Congress at the coming session to repeal or modify the same. And in order to bring about some system of cooperation on the part of all Republicans, we pledge ourselves to try and encourage the organization of such league in every Congressional district in the United States. To this end we will use all honorable means in promotion of said league and its purposes. That we indorse the following from the speech of the Hon. Charles H. Grosvenor, of Ohio, found in the Congressional Record of August 11, 1897, page 3556, viz.:

"Mr. Speaker, Congress can not shift this responsibility, and I would not shift it if I could. I would not burden the Administration with my views upon this subject, much less ask it to act and be exposed to the scorn and contempt of the mugwumps of the United States. I owe something to the men of my district and my State, and the time has not been reached by me when I scorn to acknowledge it. I admit that whatever I have succeeded in doing in public life has been because of the kindness, the generosity, the high trust, the intelligence of the men of my district, and I am not ashamed to say here that I am obligated to them therefor.

"The young men of my district have toiled by day and night to build up, strengthen, and perpetuate the principles of the Republican party, and incidentally they have conferred political favor upon me. It is no degradation for me to ask them to work in our political cause. It does not lower my sense of personal dignity to rally the young men

and the old men of my district in support of the principles of the party to which I belong, and I have not reached the crowning idea of self-aggrandizement where I look with contempt upon the men who are my constituents; and I am willing and anxious to aid them in sharing in the blessings and emoluments of the administration of my Government.

"The men, Mr. Speaker, who in 1896 marched thousands and thousands of miles to hear the words of encouragement and instruction from the President, as he stood upon the steps of his home in Canton, are entitled to have something to say about the Government of the United States, without being subjected to irritation and distress and trouble in trying to secure admission to these departments. They worked for the country and they worked for the candidates, and I protest when I find that when they apply for admission to participation, upon equal terms, in the administration of the Government, a door of a bureau is slammed in their faces and they are told that they are good enough to vote and march and carry banners and transparencies, but they are told that they are not good enough to hold office under the Government unless they can compete in scientific literary knowledge with the students of colleges with wealth, and whose friends, my friends and your friends, can not successfully meet.

"Let us, Mr. Speaker, base our approval of an applicant for office upon his patriotic devotion to the Constitution and laws of his country, his intelligent conception of his functions and franchises, the discharge of his duties of citizenship in the position which he occupies, and his characteristics that can never be ascertained by an examining board.

"The system of civil-service examination as applied by the law of New York turned out to be a most monstrous failure, and the splendid governor of New York took the matter up and presented it to the legislature, and the legislature has made an intelligent one, one that I would be satisfied with, and I believe to-day that the wise and patriotic people of New York approve of what he has done. It gives the opportunity which I have appealed for.

"Mr. Speaker, give me love of country as against literary excellence; give me patriotism against pageantry; give me native-born intelligence and special fitness for special purposes as against mere book learning.

"I appeal for the young men of my country; I appeal for a just interpretation of her laws and principles; I appeal for an application of the great principles of Abraham Lincoln's declaration, that this is a Government of the people, for the people, and by the people, and to that end I will work and suffer, if need be.

"What is the remedy? Now, Mr. Speaker, I will conclude this very lengthy address by adverting to the true remedy. It is said the President ought to modify and change the orders of Mr. Cleveland. It must be borne in mind in this connection that President McKinley has always favored a civil-service system. He wisely put into his inaugural address a modification or suggestion that opened to Congress a proper channel of operation. Not everyone who shouts civil-service reform will be recognized by the President as a civil-service reformer. Not every order that grabs at public office will be recognized by him as a due and proper execution and development of civil-service reform, but this system and its outrages have all been born of Congressional action. They are all based upon the statute known as the civil-service enactment.

"These were all the acts of Congress, and while they are in force it is the duty of the President of the United States to see that they are

intelligently and properly executed. Until Congress intervenes the President will stand by the law. He is not responsible for the odious construction that has been put upon this statute. The seizing of the Bureau of Engraving and Printing, the seizing upon the minor places in all the departments, the looting of the Government Printing Office, and all these things that have been incident to the growth and aggressions of this organization, he is not responsible for.

"It has all been done under the pretense of law, and I for one, deeply as I feel the wrongs, will not ask the President of the United States, even though my voice might be heeded, to incur the responsibility of reversing the action of his predecessors beyond that which to his own good sense and good judgment may be commended; but I will ask the Congress of the United States to modify this law, and I say right here, Mr. Speaker, without any menace, that this voice, this demand of the people, this shout of denunciation, has got to be recognized on this floor. I give warning that no committee on civil-service reform of the Fifty-fifth Congress shall smother the voice of the people.

"The Representatives of the people here who have introduced measures upon this subject shall have an opportunity to be heard upon this floor. No consignment of bills and resolutions to the pigeonholes of a committee will be tolerated. Bring the measures back here, with or without your favorable recommendation, and let us see what the voice of the country is upon this subject, as testified by the Representatives on this floor. This will be satisfactory; nothing short of it will be satisfactory; and then, Mr. Speaker, if this Congress fails to act the elections of 1898 will be close at hand, and the people of the country will be heard from, and when they are heard from we shall have more definite data upon which to act."

CONSTITUTION.

ARTICLE I.

SECTION 1. *Name.*—The name of this organization shall be the National Republican Anti-Civil-Service League.

SEC. 2. *Object.*—The object of this league shall be to organize all Republicans throughout the United States for the purpose of securing legislation by Congress that will result in the modification or repeal of the present civil-service law.

SEC. 3. *Membership.*—All Republicans who earnestly favor the repeal or modification of the present civil-service law, and who desire to join in this effort to secure the same at the coming session of Congress, are eligible to membership.

ARTICLE II.

SECTION 1. *Application for membership.*—Persons desiring to become members shall make application upon blank furnished by the secretary, and shall be indorsed by two members of the league vouching for their loyalty to the principles of the Republican party.

SEC. 2. *Fee.*—An initiation fee of $1.00 shall accompany each application for membership; provided, however, that State or District leagues may in their discretion adopt such fee as may be deemed advisable, same in no case to exceed the sum herein provided for.

ARTICLE III.

SECTION 1. *Officers.*—The officers of the league shall consist of president, two vice-presidents, secretary, assistant secretary, treasurer, and sergeant-at-arms, who shall serve for the term of one year, and in case of death, resignation, or removal, an election shall be held within ten days to fill such vacancies, provided that the first set of officers elected under this constitution and by-laws shall serve until the first meeting in October, 1897.

SEC. 2. *Committees.*—The committees of this league shall be as follows:

1st. An executive committee of five members.

2d. Finance committee of three members.

3d. Committee on printing, three members.

4th. Committee on resolutions, five members.

5th Committee on membership, three members, and such special committees as may be provided for by the league from time to time.

BY-LAWS.

ARTICLE I.

SECTION 1.—The regular meeting of this league shall be held on Wednesday evening of each week at 8 o'clock p. m., or any other evening the league may determine upon.

SEC. 2. Fifteen members shall constitute a quorum for the transaction of business.

ARTICLE II.

SECTION 1. *Duties of officers.*—It shall be the duty of the president to preside at all meetings of the league, conduct the same in compliance with the laws and rules laid down for the proper government of the league, decide all questions of order according to the rules of the House of Representatives.

SEC. 2. The vice-president shall assist the president in the discharge of his official duties, and in his absence discharge the duties of the president.

SEC. 3. The secretary shall attend all meetings of the league, call the roll of officers, and keep a correct record of the proceedings of each meeting.

SEC. 4. The treasurer shall keep all accounts, receive all moneys, and pay all orders drawn by the league, signed by the president and secretary, and shall give bond in such sum as may be required by the executive committee for the faithful discharge of his duties.

SEC. 5. The sergeant-at-arms shall perform such duties as generally pertain to such office

SEC. 6. The executive committee shall approve all expenditures, provide a place of meeting, and perform such other duties as may be required by the league.

SEC. 7. The finance committee shall have charge of the finances of the league, audit all accounts, and perform such other duties as the league may direct.

SEC. 8. The committee on printing shall secure such stationery as is needed for the use of the league, also secure estimates for printing.

SEC. 9. *Committee on resolutions.*—To it shall be referred all resolutions intended to change the policy or purpose of the league, and no

resolution shall be taken up and considered by the league unless reported favorably by said committee.

SEC. 10.—The constitution and by-laws may be amended by a two-third vote of the members of the league present, provided one week's notice thereof is given in writing.

SEC. 11.—*Committee on membership.*—The committee on membership will examine all applications and report to the league, a majority of the committee being necessary to examine and report, and in the absence of a majority, the president of the league may appoint.

SEC. 12.—This league shall, at its pleasure, elect such honorary members as, in the opinion of the league, deserve special recognition for services rendered in the cause of civil-service repeal.

ORDER OF BUSINESS.

1st. Roll call of officers.
2nd. Reading minutes of last meeting and approval of same.
3rd. Report of committees.
4th. Propositions for membership.
5th. Election of candidates.
6th. Communications, bills, etc.
7th. Unfinished business.
8th. New business.
9th. Good of the league.

RULES OF ORDER.

Debate shall not be allowed on any resolution at the time of its presentation, but the same shall be referred to the suitable committee.

Debate shall be limited on all questions arising in the ordinary course of business to five minutes *pro* and *con*, and no questions shall be open to general debate unless the measure shall be first reported to the league by the committee on resolutions, and the time may be fixed by unanimous consent or by a majority vote.

Senator LODGE. Have you a list of the members of the league?

Mr. BAKER. No, sir. I will state very frankly that I do not propose to furnish a list of members. From my observations in the last few days and the last few weeks, I think I would subject the members to persecution if I should furnish their names. I do not see that it comes within the purview of this committee or that it is anything that I should give you.

Senator LODGE. Mr. Baker has been permitted to appear here simply by the courtesy of the committee. We have asked him to furnish us with a copy of the constitution and by-laws, which he has done, and a list of the members of the league. I think we have a right to know whom he represents. I shall object to his asking any further questions. We have a right to know. He comes here and cross-examines every witness, the members of the commission, and everybody else. He has taken the same right as a member of the committee. I think we have a right to know whom he represents.

Mr. PROCTER. I hope you will withdraw your objection to Mr. Baker's questions, but I trust you will demand that he furnish the list of members, because I wish——

Senator LODGE. I think we are entitled to it.

The CHAIRMAN. I can say to Mr. Baker that he need have no fear so far as furnishing a list is concerned.

Mr. BAKER. I represent somewhere from one to three hundred men in the city.

The CHAIRMAN. Are they employed in the departments?

Mr. BAKER. Some of them are, and I know that already there has been an investigation made toward seeking out some of them, and people have been around newspaper offices to determine whether I told the truth the other day in answer to the question of the Senator. I have examined not only on that point, but I have read every particle of our records since, and I can reiterate from absolute knowledge that no such resolution or address as the Senator from Massachusetts suggested the other day has ever been passed by our league. As the Anticivil Service League is not under investigation, I do not think I am under any obligations whatever to furnish its list of members.

Senator LODGE. Then, Mr. Chairman, I object to the further cross-examination of witnesses by Mr. Baker.

The CHAIRMAN. It is a matter I should like to submit to the full committee for decision. I desire to have the full membership decide the question.

Senator LODGE. I think that would be better.

The CHAIRMAN. I think it is due the committee. It is not entirely in my discretion.

Mr. BAKER. I have here a series of questions which I should be glad to propound to the chairmain of the Civil Service Commission. I recognize fully that, like the commission, I am here at the courtesy of the committee.

Senator LODGE. No; the commission is here because it was summoned by the committee to testify and answer every question put to it.

Mr. BAKER. I have understood from the statement of the chairman that it is here by the courtesy of the committee.

Senator LODGE. The chairman of the Civil Service Commission has been on the stand. He was summoned and was examined. If he had not been I should have asked to have him summoned.

Mr. BAKER. He was here a week before he was summoned.

Senator LODGE. He represents a commission of the United States. He represents the precise thing under examination. You represent a perfectly irresponsible body of people who are engaged in an effort to defeat the law. It is purely a partisan organization. It is not a non-partisan organization. It is purely a Republican body.

Mr. BAKER. We have a right to be Republicans, I presume.

Senator LODGE. Unquestionably.

Mr. BAKER. We have a right to organize.

Senator LODGE. But it is a partisan body. It is not an official body of the Government.

Mr. BAKER. It is not an official body of the Government, but official bodies of the Government are not permitted to appear before committees of Congress except by general courtesy.

The CHAIRMAN. I shall reserve this question and submit it to the full committee for decision. In the meantime, Senator Lodge says he does not object to your cross-examining Mr. Procter.

Senator LODGE. I do not know about that. I think that is the whole point.

The CHAIRMAN. I understood you to say so.

Senator LODGE. No.

Mr. BAKER. Of course, before you can get a full meeting of the committee Mr. Procter will have passed off the stand.

Senator LODGE. He can be recalled. However, I will not press the objection if Mr. Baker desires to proceed.

The CHAIRMAN. Mr. Baker, you may proceed.

Senator LODGE. Before you proceed, I will ask you, Mr. Baker, whether you represent the Anti-Civil Service League here as an officer or as their attorney?

Mr. BAKER. I am the vice-president and acting president. Here are two letters which we have printed and sent out, and here is a list of our officers on the executive committee and the finance committee crossed out, for the reason that those committees have been modified since then. Those, with the application for membership, represent the entire portion of our printed matter which we have sent out to the people.

The papers referred to are as follows:

[Officers: President, Hon. A. M. Clapp, of New York; first vice-president, Hon. Henry M. Baker, of New Hampshire; second vice-president, Hon. C. P. Dorr, of West Virginia; treasurer, C. H. Ellis; secretary, W. D. Lester; assistant secretary, Geo. C. Randall.]

NATIONAL REPUBLICAN ANTI-CIVIL SERVICE LEAGUE,
HEADQUARTERS, HOTEL EMRICH,
Washington, D. C., ———, *189—*

To all who favor "A Government of the people, for the people, and by the people":

Some months ago this league organized for the purpose of enlisting all Republicans throughout the United States opposed to the civil-service law in a movement to secure its modification or repeal by Congress at its session in December next.

The result of our work has been astonishing. From every section of the Union the same report comes to us of a united, determined, and vigorous opposition to the law, and a demand for its modification or repeal. This league wishes to submit a petition to Congress from all Republicans who can be reached asking that such action be taken. To do this will require the expenditure of some money and a great deal of work. The league will assume the work that can be done here and respectfully ask our friends to at once contribute such amounts as they feel able to aid us in accomplishing this work. Our enemy is organized and defiant and possessed of unlimited means to wage a fight. A lobby will doubtless be on hand at the meeting of Congress to attempt to defeat action in this matter. We must organize; we must fight. The situation is all we could desire, and the only thing necessary is to get the actual state of opinion existing in regard to the law before Congress in the form of a petition. This law is purely a British institution, designed to perpetuate in office for life a preferred class of office holders. No such law can stand in a free Republic, and the sophistries used to sustain it will fall before the sweep of public opinion. Let us go to Congress for relief.

Contributions should be mailed to

C. H. ELLIS,
Treasurer, Hotel Emrich, Washington, D. C.

NOTICE.—Republican clubs throughout the United States will be admitted to membership in the league upon the payment of five dollars, and literature bearing upon this question supplied them.

[Officers: President, Hon. A. M. Clapp, of New York; first vice-president, Hon. Henry M. Baker, of New Hampshire; second vice-president, Hon. C. P. Dorr, of West Virgina; treasurer, C. H. Ellis; secretary, W. D. Lester; assistant secretary, Geo. C. Randall; sergeant-at-arms, J. M. Coombs.]

NATIONAL REPUBLICAN ANTI-CIVIL SERVICE LEAGUE,
HEADQUARTERS, HOTEL EMRICH,
Washington, D. C., ———, *189—*.

DEAR SIR: Knowing your views to be thoroughly antagonistic to the present civil-service law, this league has no hesitancy in writing you to assist in furthering its plans to secure at the coming session of Congress the modification or repeal of the law.

The league is composed entirely of Republicans representing every State in the Union, who, while they have heretofore endorsed a reasonable civil-service system, do not approve of a system which continues in office for life the 87,000 office holders of the Government.

This league does not believe that the theory of a life tenure in office for any set of officials (excepting the Supreme Court) is consistent with the genius of our free American institutions, and are determined to fight this principle, which is so thoroughly English in origin and a long step toward a monarchical form of government in this country. The law is generally obnoxious in all its features and should be repealed.

We wish to encourage the local press to take up the question; to form leagues in the various counties and voting precincts of the country; and to petition Congress at its coming session to act upon the question.

Please give the matter your early attention, and if you find it impossible to act, the league would like to have you designate some energetic and trustworthy Republican in your section who would push forward the organization of the league in the districts surrounding you.

Please write us the conditions in your locality relating to this matter, and if you can not take an active interest in organizing Republicans who oppose the law, designate some one who will. We request an immediate reply.

Very respectfully,

——— ———.

Application for membership in the National Republican Anti-Civil Service League.

To the officers and members of the National Republican Anti-Civil Service League:

I hereby make application for membership in the National Republican Anti-Civil Service League. I am an uncompromising Republican, and a voter in State of ———. I hereby pledge myself, if elected to membership in the league, to use every effort in my power to advance the object for which this league is formed, *i. e.*, the modification or repeal of the present civil-service law.

——— ———,
——— ———.

Recommended by:
——— ———,
——— ———.

Elected ———, 1897.

NOTE.—Membership fee of $1 must accompany this application.

Senator HARRIS. Do you appear here substantially as an attorney retained in this work?

Mr. BAKER. No, sir; I have neither honor nor pay in the matter, so

far as I know. I am here simply at the request of this organization, through a resolution which it passed, and as the result of a letter which I addressed to the chairman asking the privilege to appear here. I stated that, as I did not understand the Civil Service Commission was under examination, but that the system was, it seemed to me I was as much entitled to be present as members of the Civil Service Commission. I received an invitation to be present, and I have been present thus far.

The CHAIRMAN. I will state that subsequent to the time when we agreed to permit Mr. Baker to be present and cross-examine witnesses we also agreed to permit the president of the National Civil Service Association to be present. At a subsequent date he stated that he did not desire to continue cross-examinations. In fact, I do not think he ever cross-examined anyone.

Mr. PROCTER. What reason did he give?

The CHAIRMAN. I think he said that after listening to the cross-examination on the part of Mr. Baker he did not care to take up the matter. He thought it was an unnecessary consumption of time. I believe that was about the reason he gave, as I remember it. However, inasmuch as the committee has at one time decided that Mr. Baker could be present, we will let him cross-examine to-day, and in the meantime I will have a full meeting of the committee, submit the question, and let them decide it. I much prefer to pursue that course.

Senator LODGE. This substantially closes the investigation.

The CHAIRMAN. There are some clerks in the commission who are to be examined.

Mr. BAKER. Shall I proceed?

The CHAIRMAN. Yes; and I hope you will be as brief as possible.

Mr. BAKER. It will take some time to get through with what I have here.

The CHAIRMAN. Do the best you can.

TESTIMONY OF JOHN R. PROCTER—Continued.

Mr. BAKER. Mr. Procter, what was your business or profession before becoming a Commissioner?

Mr. PROCTER. Geologist.

Mr. BAKER. I suppose you made application for the position of Commissioner?

Mr. PROCTER. I did not.

Mr. BAKER. Did any of your friends make application for you?

Mr. PROCTER. Mr. Theodore Roosevelt, I think, made application when he heard that there was to be a vacancy on the commission.

Mr. BAKER. Were you recommended by the political powers of your State, or any of them—the State central committee?

Mr. PROCTER. I was not. They knew nothing of my appointment.

Mr. BAKER. I call your attention to section 6 of the civil-service act, requiring the head of a department to classify and revise the classification of persons in the departments. Where do you find any authority to classify persons in the Executive office or in the employ of the President?

Mr. PROCTER. I did not look to find it. That was a question for the President of the United States.

Mr. BAKER. They are classified?

Mr. PROCTER. They are.

The CHAIRMAN. I would suggest to you, Mr. Baker, that that is a question of law. We are dealing with questions of fact.

Mr. BAKER. Has the commission or any of its members suggested to the President a revision of the classification?

Mr. PROCTER. What do you mean? In what way?

Mr. BAKER. The revision of the classifications in the departments, etc., and so on. Has the suggestion gone from the commission to the President?

Mr. PROCTER. I do not know exactly what you are asking about. The commission has from time to time made——

Mr. BAKER. The law, as I understand it, says that the commission may help the President upon his request, and that he may direct the heads of departments to classify. Now, has that process been reversed, and has the suggestion come from the commission to the President or to the heads of departments?

Mr. PROCTER. My recollection is that the commission recommend to the President when he asks for their advice.

Mr. BAKER. Has not the commission recommended when he has not asked for advice?

Mr. PROCTER. I do not know. It would not hesitate to recommend if it thought proper.

Mr. BAKER. In making the revision under paragraph 3 of section 6, do you know whether the head of a department or the President exercises the judgment, so far as practicable?

Mr. PROCTER. Section 3.

Mr. BAKER. Paragraph 3 of section 6. Do you know whether the heads of departments or the President exercises the judgment in regard to the matter of classifying subordinate places?

Mr. PROCTER. I take it for granted that the heads of departments and the President always exercise judgment when they do an official act.

Mr. BAKER. But which of the two does the official act, as a matter of fact?

Mr. PROCTER. The heads of departments, on the direction of the President.

Mr. BAKER. Do you understand by the words "on direction of the President" that the President may do the revising and classification?

Mr. PROCTER. Yes; he can direct.

Mr. BAKER. If so, what power, if any, is left to the heads of departments?

Mr. PROCTER. The power to resign if they refuse to obey the President's order.

Mr. BAKER. I am satisfied with that answer. Do you understand that there is any power given in the act of 1883 for the President to extend its operations except through heads of departments?

Mr. PROCTER. I think the President can extend it in any way he chooses. He can extend it regardless of the heads of departments under the power given in the Constitution and by section 1754 of the Revised Statutes.

Senator LODGE. The exercise of Presidential power is something for which the President is responsible. If he has misused his power, he is subject to impeachment by the House of Representatives, but I do see that the Civil Service Commission——

The CHAIRMAN. As to what he may or may not do under the law is purely a question of law.

Mr. BAKER. I am trying to find out what is the fact as to what has been done.

The CHAIRMAN. Then the way to do is to ask what has been done, and not what can be done. That is the way to ascertain the fact.

Mr. BAKER. Has the President, by any rule or regulation or the exercise of political power, overridden the power of heads of departments to appoint and remove, as vested in the Constitution?

Mr. PROCTER. I can not give an opinion as to what the President has done.

Mr. BAKER. Do you know of any facts relating to that matter?

Mr. PROCTER. I know of no facts whatever relating to it.

Mr. BAKER. Does the commission, in its work, distinguish between the words "laborer" and "workman;" and if so, in what line?

Mr. PROCTER. The commission does not distinguish between the words "laborer" and "workman."

Mr. BAKER. Do they classify laborers and workmen into grades?

Mr. PROCTER. The commission does not classify anybody.

Mr. BAKER. Are they classified into grades?

Mr. PROCTER. Certain classes of skilled workmen and laborers are classified into grades.

Mr. BAKER. Would any harm come to the public service if a laborer or workmen, who was found competent, should occasionally do clerical work?

Mr. PROCTER. Yes.

Mr. BAKER. In what particular?

Mr. PROCTER. If he is not classified he is disobeying the law.

Mr. BAKER. Is that your only objection?

Mr. PROCTER. That is one of the objections. If it were allowable, it would enable departments to appoint persons who are not laborers and work merely as clerks, and assign them to clerical duties to the exclusion of laborers, when the appropriation was intended to be applied for the employment of laborers.

Mr. BAKER. Do you know anything in the civil-service law which forbids removals except for cause?

Mr. PROCTER. Nothing.

Mr. BAKER. In rule 2 there is a statement that no person shall be dismissed because of his political opinions or affiliations. Where in the law do you find any authority for that rule?

Mr. PROCTER. Under the authority given to the President to make rules governing all persons employed in the civil service.

Mr. BAKER. Do you find any clause which covers that question?

Mr. PROCTER. I do. Section 1753 of the Revised Statutes clearly gives him that power.

Mr. BAKER. Does not that relate exclusively to entrance into the service and not to removals from it?

Mr. PROCTER. No; it does not.

Mr. BAKER. Is there any word in it in relation to removals?

Mr. PROCTER (to Mr. Wales). Give me section 1753 of the Revised Statutes.

Mr. WALES. We have not got it here. It is very short, however.

Mr. BAKER. Never mind, then. In section 5 of the act of 1883 it is made a misdemeanor to defeat the law, etc. Will you turn to page 286 of your Thirteenth Annual Report, where it states that Mr. Snow was suspended 20 days without pay, and the case of Mr. O'Brien, on page 287, from whose salary $50 was deducted. Where in the law do you find any authority for deducting from a man's salary?

Mr. PROCTER. The commission has nothing to do with deducting from a man's salary.

Mr. BAKER. It is one of the cases reported by the commission in its own report.

The CHAIRMAN. That was the act of the department.

Mr. PROCTER. Certainly; and the commission has nothing whatever to do with it.

The CHAIRMAN. The question is not pertinent.

Mr. BAKER. Did the commission recommend it?

Mr. PROCTER. The commission did not. The commission always tries to attend to its own legitimate business and not to interfere with the business of the departments.

Mr. BAKER. On page 289 you report collusion in the examination at Detroit, by which 37 persons were fraudulently turned in as eligibles. Is there any way to discover such frauds unless complaint is made by some person?

Mr. PROCTER. There is.

Mr. BAKER. How?

Mr. PROCTER. By the system adopted by the commission.

Mr. BAKER. How does that show it?

Mr. PROCTER. That is not your affair. The commission has an ample method to detect frauds, and it has been very successful in detecting them.

Mr. BAKER. I am satisfied with the answer if you are. On page 292 of the Thirteenth Annual Report there is a case of collusion reported at Jersey City on the part of the secretary of the examining board. Why was he not reported to the Attorney-General for trial and punishment?

Mr. PROCTER. I do not know—because the commission did not think it proper, I suppose. He was removed from the board and his successor appointed. The statement that you quote from shows. It was simply because he had conducted his business in a careless manner.

Mr. BAKER. Yes; but that does not show why he was not reported to the law officers of the Government for prosecution.

Mr. PROCTER. He had committed no offense against the law. Under his careless supervision collusion had been allowed, but he was not charged with collusion at all; simply with carelessness.

The CHAIRMAN. That is not indictable.

Mr. PROCTER. Certainly not.

Mr. BAKER. Will you turn to page 298, under the head of Pittsburg, Pa., where there is this entry:

"PITTSBURG, PA., internal-revenue office. File 6844.

"*Charge.*—That political assessments were being levied on the Federal employees.

"*Date of charge.*—Letter of October 3, 1894, submitting copy of circular from Democratic committee.

"*Date of investigation.*—October 15, 1894.

"*Result.*—It was found that over $6,000 had been paid by the employees for the campaign fund, but the law had not been technically violated. See letter Attorney-General, page 116, Eleventh Report. This investigation was the immediate cause of the classification of the internal-revenue service."

Is that true?

Mr. PROCTER. It is one of the causes. What place is it to which you refer and to what page of the report?

Mr. BAKER. Pittsburg, Pa., page 298. Is that correct?

Mr. PROCTER. I suppose it is. It would not have been placed there if it were not correct.

Mr. BAKER. It is evident, then, that it was not the good of the service, but because somebody had collected some campaign funds, that the internal-revenue service was put in the classification?

Mr. PROCTER. Not at all. It was for the good of the service.

Mr. BAKER. It does not say so there. On page 296 there is a charge of inefficiency on the part of the examining board. Are not the members of your local examining boards examined to determine their fitness?

Mr. PROCTER. They are appointed from among persons in the service upon the recommendation of the department to the heads of the respective offices. We try to get the best men to be found in the service to do the work.

Mr. BAKER. Will you please answer the question?

Mr. PROCTER. I have answered it.

Mr. BAKER. Are they examined especially?

Mr. PROCTER. They are examined especially.

Mr. BAKER. To determine their quality as examiners?

Mr. PROCTER. Certainly, through the recommendation of the department that they are competent persons and qualified to do this work.

Mr. BAKER. The examination consists of ex parte statements?

The CHAIRMAN. I suggest, Mr. Baker, that I went into that matter pretty fully.

Mr. PROCTER. Oh, Mr. Chairman, let him go on fully.

The CHAIRMAN. I make the suggestion in the interest of the economy of time.

Mr. BAKER. Did the Civil Service Commission recommend to the President the amendment of paragraph 7 of rule 2, which was promulgated July 27, 1897?

Mr. PROCTER. They advised all the paragraphs——

Mr. BAKER. Did they advise that one?

Mr. PROCTER. To which one do you refer?

Mr. BAKER. It is the amendment of the rule—paragraph 7, rule 2—promulgated July 27, 1897, in regard to removals from office?

Mr. PROCTER. The commission did advise that, but it did not originate with the commission. That rule originated with the Assistant Secretary of the Treasury, with the concurrence of the Secretary, and was recommended to the President also by the commission.

Mr. BAKER. Have there been any exceptions in regard to appointments in favor of the office of assistant treasurer at the city of New York, referred to in Mr. Bailey's letter, I believe?

Mr. PROCTER. There have been no exceptions other than those authorized by the rules.

Mr. BAKER. I call your attention to the rule concerning the Internal-Revenue Service, extending the exemptions from examination to a deputy collector when the force exceeds four, and one deputy collector in each branch or stamp office. Why was that done?

Mr. PROCTER. On the recommendation of the Secretary of the Treasury.

Mr. BAKER. So far as you are concerned, on what principle or recommendation?

Mr. PROCTER. I can not pass upon the principles of the recommendations of the Secretary of the Treasury.

Mr. BAKER. I did not ask you to. I ask you if it was done upon any principle of your own.

Mr. PROCTER. It was done upon the recommendation of the Secretary of Treasury after consultation with the Acting Commissioner of Internal Revenue.

Mr. BAKER. Was the Assistant Secretary of the Smithsonian Institution in charge of the National Museum exempted for the same reason?

Mr. PROCTER. The same reason? No; it was not for the same reason.

Mr. BAKER. Because somebody asked that it be done?

Mr. PROCTER. That was exempted upon the request of the Secretary of the Smithsonian Institution, in a letter to the President of the United States, which passed through the commission.

Mr. BAKER. Under the rules a person calling for a designation has a right to determine the sex, I believe?

Mr. PROCTER. He has.

Mr. BAKER. Why was that favor extended?

Mr. PROCTER. Because it is in the rules.

Mr. BAKER. Why was it in the rules?

Mr. PROCTER. I do not know.

Mr. BAKER. In the same paragraph of rule 8, why do you reserve the power to certify a person three times; why not six, or eight, or ten times?

Mr. PROCTER. Because it is in the rules.

Mr. BAKER. You have no reason beyond the rules in that case?

Mr. PROCTER. None whatever.

Mr. BAKER. Is it for the same reason that only three persons are certified—because it is in the rules?

Mr. PROCTER. Because it is in the rules.

Mr. BAKER. Does not that confine, curtail or prevent the free range of selection or appointment?

Mr. PROCTER. It does not.

Senator LODGE. When was that rule adopted?

Mr. PROCTER. It has been the rule for years. I forget how many years.

Mr. BAKER. If all on your eligible list are competent, why should not the whole number be certified?

Mr. PROCTER. Simply because it would allow the departments to select for political reasons, and it would deprive competitors of what the law contemplates—that it should be competitive.

Mr. BAKER. But is it competitive to get on the list?

Mr. PROCTER. Yes; but the man who is near the top of the list would not have his rights if the department appointed from the bottom of the list.

Mr. BAKER. How long, in your opinion, does it take, in the natural order of things, for an eligible on your roster to become ineligible or incapable for the public service? Please state your reason.

Mr. PROCTER. He becomes ineligible after remaining on the eligible list one year.

Mr. BAKER. What is the reason for that limitation?

Mr. PROCTER. Because it is in the rules.

Mr. BAKER. Nothing beyond the rules?

Mr. PROCTER. Nothing beyond the rule.

Senator LODGE. Is that an old rule?

Mr. PROCTER. It is an old rule.

Senator LODGE. Made before you came on the commission?

Mr. PROCTER. Yes, sir.

Mr. BAKER. Do you know by what method the commission, or the President, or anybody reached the deduction which culminated in that rule?

Mr. PROCTER. I can not give the methods of reasoning.

Senator LODGE. Do you know which President made the rule?

Mr. PROCTER. Mr. Doyle, when was the rule made?

Mr. DOYLE. At the very beginning. It was fixed at the beginning.

Mr. PROCTER. It was fixed at the beginning and has been so ever since.

Senator LODGE. Under President Arthur?

Mr. PROCTER. Under President Arthur.

Mr. BAKER. Have you with you a list which would show the heads of departments and the number of times that each or any of them may have called for more than one list or certification from which to make a given appointment?

Mr. PROCTER. I have not.

Mr. BAKER. Can you furnish such a list to the committee?

Mr. PROCTER. I can.

Mr. BAKER. I hope the committee will ask for it.

The CHAIRMAN. What is the object?

Mr. BAKER. The object is to show how many times the head of a department has in a given period called for the certification——

Mr. PROCTER. Give the period?

Mr. BAKER. The last six years, say. That would be a fair test.

Mr. PROCTER. I suppose, Mr. Chairman, it would take five or six volumes.

Mr. BAKER. Let me state my question. I think Mr. Procter does not understand it. It is this: How many times has the head of a department, when he has had a vacancy to fill, refused to fill it out of the first lot of three sent him, and demanded a second certification for the purpose of filling the vacancy?

The CHAIRMAN. In order to lay your foundation, you might ask Mr. Procter if such has ever been the case.

Mr. BAKER. Has any head of a department ever asked for more than one certification?

Mr. PROCTER. They have returned certifications and stated that the papers did not display the qualifications asked for. For instance, they would sometimes return a clerk certification and ask for a certification from the bookkeepers' register.

Mr. BAKER. When a certification has been all right, have they rejected all three and asked for a new certification?

Mr. PROCTER. Never.

The CHAIRMAN. They can not do that under the practice.

Mr. PROCTER. They can not do it under the rule.

Mr. BAKER. They can by giving reasons why they reject the three?

Mr. PROCTER. By giving reasons which shall be sustained by the commission.

Mr. BAKER. At no time has there been a certificate made and returned where the reasons have been sustained by the commission?

Mr. PROCTER. Certainly. The commission has sustained the reasons. I can recall instances where they have called attention to the fact that the man was dismissed for drunkenness, and it was not shown on his papers, and the man was withdrawn from certification and another name supplied.

Mr. BAKER. That is what I wish to ascertain—how frequently that has been done.

Mr. PROCTER. Very infrequently; very rarely.

Mr. BAKER. Then I presume it would not be a great hardship to furnish a table of that kind?

Senator LODGE. Mr. Chairman, what object is there in that?

The CHAIRMAN. I can not see anything that he can gain. Mr. Procter, you have exercised discretion in cases where it is——

Mr. PROCTER. It is a matter left by the rules to the discretion of the commission.

The CHAIRMAN. You have exercised that discretion in cases wherein it appeared to the commission from the statements of the different departments that the parties certified did not possess the qualifications required?

Mr. PROCTER. Or they can sustain the objection on account of the physical or moral condition.

The CHAIRMAN. It is admitted that such is the case, and the number would have but little to do with it.

Mr. BAKER. Very well. Under rule 9 the period of time within which reinstatements can take place is fixed at one year. Can you tell why that period was fixed—why it was not five or six years?

Mr. PROCTER. Because the President thought it wise to fix it at one year.

Mr. BAKER. Has that rule been universally adhered to?

Mr. PROCTER. It has been with such exceptions as the commission has power to grant.

Mr. BAKER. What exceptions has the commission power to grant in relation to that rule which it has not in regard to any other rule?

Mr. PROCTER. The old-soldier provision is one exception.

Mr. BAKER. Any exceptions other than in relation to soldiers?

Mr. PROCTER. I do not know that there has been any exception from the rule in reinstatements.

Mr. BAKER. Does the Civil Service Commission have a record of the number of persons belonging to the same family who hold places in the departments?

Mr. PROCTER. The commission is providing a card catalogue——

The CHAIRMAN. Are you required to keep such a record under the law?

Mr. PROCTER. No.

Mr. BAKER. The law requires that not more than two in any one family shall be appointed?

Mr. PROCTER. The commission does not appoint.

Mr. BAKER. That is all very true, but the commission has to certify. The law is this:

"That whenever there are already two or more members of a family in the public service in the grades covered by this act, no other member of such family shall be eligible to appointment to any of said grades."

Mr. PROCTER. The decision of the Attorney-General as to what constitutes the membership of a family would render it impossible for the commission to know, because, for instance, there may be two brothers. The Attorney-General has decided that where each of those two brothers is at the head of a separate family they are not members of the same family.

Mr. BAKER. Does the commission know of any case where a father and more than one child are in office?

Mr. PROCTER. I do not know of any such case.

Mr. BAKER. I do.

The CHAIRMAN. I suggest, then, that you put the question in this form: Whether it is not a fact that certain individuals are in the service and name them. That is the way to bring out the facts.

Mr. BAKER. He says he does not know of any such case.

The CHAIRMAN. Suppose you suggest the names to him.

Mr. PROCTER. Whenever it is brought to the notice of the commission that persons are in the public service contrary to the provisions of the law or rules, it is the duty of the commission to investigate the facts and report upon them.

Senator LODGE. That is all it can do?

Mr. PROCTER. That is all it can do.

Mr. BAKER. I have understood that that question was raised when you permitted the appointment of a young man by the name of Maher to be a special agent of the Treasury Department.

Mr. PROCTER. It is very easy to look into the facts.

Mr. BAKER. His name is Arthur Maher.

Mr. PROCTER. Give the date.

Mr. BAKER. I can not give the date of his appointment, but he is a special agent of the customs at Philadelphia and gets $8 a day.

The CHAIRMAN. What is the allegation? It is due to the committee to have it.

Mr. BAKER. That there were more than two of that family then in office.

Mr. PROCTER. How was he appointed special agent?

Mr. BAKER. In the regular order, I suppose.

The CHAIRMAN. Was he already in the classified service and promoted, or was he appointed from the outside?

Mr. BAKER. As I understand it, he was at one time a compositor in the Government Printing Office; was transferred to the Treasury as proof reader, and from that position was made special agent of the Treasury, which of course is altogether a different appointment.

I call attention to paragraph 1 of rule 2. There you have assumed to legislate, making dismissals from office the penalty for violating the civil-service law or rules. From what clause do you derive that power?

Mr. PROCTER. The President found the power, not the commission. It is under the exercise of power vested in him by the Constitution, and by authority given to him by section 1753 of the Revised Statutes, and by the act to regulate and improve the civil service of the United States.

The CHAIRMAN. It was the act of the President and not of the commission?

Mr. PROCTER. Certainly.

Mr. BAKER. The other day when you were considering the matter of the Government Printing Office you presented some statements in regard to the political complexion of the Government Printing Office. How did you arrive at or secure those?

Mr. PROCTER. From persons in the Government Printing Office who were summoned before the commission to give evidence as to dismissals and reductions and promotions.

Mr. BAKER. What is the authority of the commission for summoning witnesses?

Mr. PROCTER. Under the authority of the law that the commission shall investigate.

Mr. BAKER. Does that give them the right to summon witnesses?

The CHAIRMAN. That is purely a question of law. We can not consume time in discussing the construction of a statute.

Senator LODGE. Before we leave the matter of family, I should like to ask Mr. Procter whether it has not been held by the Attorney-General that the disability arising from two members of the same family being in Government employ is a fluctuating disability, which may obtain at one time and not at another, and that it is a question to be decided solely by the appointing power?

Mr. PROCTER. Exactly. A child in the Government service may be a member of a family. The same child upon marrying becomes a member of another family, under the decision of the Attorney-General, and it is a fluctuating disability.

Senator LODGE. Has he not held distinctly that the question is one to be determined by the appointing power?

Mr. PROCTER. Exactly; and the commission has absolutely nothing to do with it.

Senator LODGE. It has no power at all in the premises?

Mr. PROCTER. None whatever.

Senator LODGE. Except to investigate and report the facts?

Mr. PROCTER. That is all.

Mr. BAKER. The Public Printer reported to the chairman that there were 2,466 Democrats and 512 Republicans in the Government Printing Office at a given period. Have you taken any testimony which destroys the force of that statement?

Mr. PROCTER. The commission has. The Public Printer, you may remember, gave the complexion of different offices. I asked the people who were in those different offices, and I found that the Public Printer was evidently mistaken.

The CHAIRMAN. I suggest to Mr. Baker that he can not disprove the statement of the Public Printer by hearsay evidence. This is purely hearsay.

Mr. BAKER. I was going to show that, and that the commission had no right to administer an oath in the matter.

The CHAIRMAN. Suppose persons were sworn before the commission. It would not be evidence in this investigation.

Mr. BAKER. In the matter of Albert Baker, do you know whether he was separated from the service before he was transferred; and if so, was he reinstated, or was he originally transferred to the Treasury Department from the Government Printing Office?

Mr. PROCTER. He was transferred before separation upon a letter of Public Printer Palmer.

Mr. BAKER. Did the commission recommend or ask for the transfer?

Mr. PROCTER. It did not.

Mr. BAKER. Did you not as a member of the commission indorse Mr. Baker's papers?

Mr. PROCTER. I did not.

Mr. BAKER. No member of the commission, so far as you know, did?

Mr. PROCTER. No member of the commission so far as I know.

The CHAIRMAN. We went into that matter yesterday, and I asked Mr. Procter. He said he did not. We covered the entire ground.

Mr. PROCTER. I should like to say that I would not have hesitated to indorse his papers if he had asked it, on the ground that I thought he was removed from the public service not for a delinquency, but because he had given evidence before this committee.

Mr. BAKER. Are old soldiers placed at the head of the eligible list?

Mr. PROCTER. They are when they have a rating of 65.

Mr. BAKER. How many times are they certified?

Mr. PROCTER. Just as many times as other persons who are on the eligible list. They get their three certifications.

Mr. BAKER. Do you know how many of them are on the departmental eligible list now?

Mr. PROCTER. I do not.

Mr. BAKER. Have you within the last two months certified any others for appointment?

Mr. PROCTER. I do not have anything to do with certifications. I suppose we have if others are at the head of the list. I take it for granted——

Mr. BAKER. They are certified from your office?

Mr. PROCTER. Yes; if they were entitled to certification under the rules and were at the head of the list they certainly had the certification.

Mr. BAKER. When you wrote the President relative to the classification of deputy collectors of internal revenue, had he requested your suggestions in that regard?

Mr. PROCTER. I do not remember. That was in 1894.

Mr. BAKER. In that letter you refer to corrupt appointments. Had you at that time any specific cases of corruption in your mind?

Mr. PROCTER. No; it was general.

Mr. BAKER. It was one of the glittering generalities. With what internal-revenue officials had you——

Mr. PROCTER. No; it was not a glittering generality. It was an absolute fact. I knew and every Commissioner knew that appointments had been made for political, personal, and corrupt reasons.

Mr. BAKER. Do you class personal, political, and corrupt as equal?

Mr. PROCTER. I am not trying to make any comparison.

Mr. BAKER. What instance can you give of a corrupt appointment?

Mr. PROCTER. I can go back, if the committee wishes to open the case and will summon the witnesses here, and give a thousand.

Mr. BAKER. But you speak of it as though it were a matter of everyday occurrence, and I want to know if you can mention one instance?

Mr. PROCTER. I was speaking of the practice under the system.

Mr. BAKER. But if a practice is so universal, it seems to me you ought to be able to designate an individual instance.

Mr. PROCTER. If the committee wishes to go into that subject and will summon the witnesses I shall ask to have summoned, I will prove my statement.

Mr. BAKER. With what internal-revenue officials had you consulted as you stated in your letter to the President?

Mr. PROCTER. Quite a number; hundreds.

Mr. BAKER. Can you give the names of any ten?

Mr. PROCTER. If the committee will agree to summon them here I will agree to give the names; but I will not do so otherwise.

Mr. BAKER. Was the then Commissioner of Internal Revenue in favor of that classification?

Mr. PROCTER. He was.

Mr. BAKER. Was the examination for the Government Printing Office of September 22, 1897, based upon the same questions all through the examination?

Mr. PROCTER. No examination is based upon the same questions.

Mr. BAKER. Were they questions of equal merit through the entire examination?

Mr. PROCTER. I can not for the life of me comprehend what you mean.

Mr. BAKER. It is a very plain and simple question.

Mr. PROCTER. The questions can not all be of equal merit.

Mr. BAKER. They were not the identical same questions?

Mr. PROCTER. I do not understand you.

Mr. BAKER. If they were not of the same merit, or the same questions, I do not care to ask any more about it.

Mr. PROCTER. I will say that all the questions were prepared by

the examining board of the Civil Service Commission. The chief of that division is here. They were approved by the commission, and were deemed to be applicable to the service.

Senator LODGE. What is meant by the question? Of course different questions are asked. There must be, in any examination.

Mr. BAKER. I mean identically the same examination.

The CHAIRMAN. You have one examination for one grade and another for another, Mr. President, or have you the same?

Mr. PROCTER. The same class of questions are used. The same identical questions are used on the same day all over the United States.

Senator LODGE. For persons applying for similar offices?

Mr. PROCTER. For persons applying for similar offices.

Mr. BAKER. Were exactly the same questions put to all the applicants who were examined September 22, 1897?

Mr. PROCTER. Examined for the same place?

Mr. BAKER. Examined for the same place.

Mr. PROCTER. Yes.

Mr. BAKER. Have all the examinations examined in your commission always been rated by the same key or answer through the entire examination?

Mr. PROCTER. I do not know. That is in the examining division, where I have confidence in the capacity of the men, and that is left largely to those gentlemen.

Mr. BAKER. In your opinion, if a question was asked, "Upon what body of water is the city of New York" and the key or regular standard answer was, "The Atlantic Ocean," and quite a number should answer, "New York Bay," and finally New York Bay should be changed or substituted for Atlantic Ocean, would you give some one mark and some another? Would that be a fair arrangement?

Mr. PROCTER. That is never done.

Mr. BAKER. I think it has been. You spoke the other day of somebody who had offered $5,000 for a position as gauger. Can you tell who the person was and to whom the offer was made?

Mr. PROCTER. I did not speak of it. I quoted Secretary of the Interior J. D. Cox.

Mr. BAKER. You do not know to whom he referred?

Mr. PROCTER. I do not.

Mr. BAKER. You read a statement from Mr. Boutwell the other day. Did you accredit that to him as Secretary of the Treasury?

Mr. PROCTER. I did not. I said he had been Secretary of the Treasury. I do not remember whether it was before or afterwards that he made the statement. I think it was before.

Mr. BAKER. Do you remember upon what occasion he made the statement?

Mr. PROCTER. Yes.

Mr. BAKER. What was it?

Mr. PROCTER. The impeachment trial of Andrew Johnson.

Mr. BAKER. Upon what occasion did J. D. Cox utter this statement?

Mr. PROCTER. I do not remember. I gave the quotation at the time.

Mr. BAKER. Was not the average efficiency of deputy collectors of internal revenue under the old system equal to what it is at present?

Mr. PROCTER. The average efficiency——

Senator LODGE. That is a matter of opinion.

Mr. PROCTER. It can not be determined. The present system can not be compared with the old so far as deputy collectors are concerned,

because most of the deputy collectors who are in the service now were in under the old system.

Mr. BAKER. From your experience do you not suppose it necessary, for the efficient collection of the revenue, that a deputy and the collector should be in harmony?

Mr. PROCTER. No; I do not think it is. I should think they should be in harmony so far as the business conduct of the office is concerned, but I see no reason why they should be in harmony politically.

Mr. BAKER. Are you aware that the commission has certified for appointment to the departments here at least two men who have served terms in the penitentiary?

Mr. PROCTER. I am not. I am aware that persons have been appointed without examination who have served terms in the penitentiary. I have heard of such cases. I can not name them.

Mr. BAKER. I think if you will investigate you will find that the commission has certified two to the War Department.

The CHAIRMAN. Please give us the names of those individuals? When you ask a question of that character, it is due to the committee that you should disclose the names.

Mr. BAKER. One of them is, I believe, Fred Biaer.

Mr. PROCTER. Where will we find him; in what department?

Mr. BAKER. He is not in any department now. He is out. The other name I have forgotten. I can get it and hand it to you.

The CHAIRMAN. I hope you will do so in all cases.

Mr. BAKER. Did you quote a statement the other day, credited to Assistant Secretary Hamlin, that there has been a decrease of 25 per cent in the cost of collecting the revenue from customs in consequence of the civil service?

Mr. PROCTER. I did.

Mr. BAKER. Have you attempted to verify it?

Mr. PROCTER. I have not. I am perfectly willing to accept the statement from Mr. Hamlin without verifying it. The statement has been indorsed by the present Assistant Secretary, Mr. Howell.

Mr. BAKER. I understood you also to say that the typographical union were in favor of putting the Government Printing Office under civil-service rules. Are you aware that they have since passed resolutions to the contrary?

Mr. PROCTER. I brought this out on the cross-examination of Mr. Shelby Smith, showing that he went to the meeting of the typographical union and misrepresented the feelings of the Columbia Typographical Union, and that on that misrepresentation they did pass the resolution, and that when he returned to Washington and the matter was brought to the attention of the typographical union they repudiated his action by a vote of over 2 to 1.

Mr. BAKER. Have they not since then passed resolutions condemning the so-called civil-service reform?

Mr. PROCTER. The typographical union here?

Mr. BAKER. Yes.

Mr. PROCTER. I have heard of no such resolutions.

Mr. BAKER. I think they have, and sent them to the President.

Mr. PROCTER. Certainly not when there was not a full meeting of the union.

Mr. BAKER. Did the commission make any suggestion to the President as to the classification of the Government Printing Office?

Mr. PROCTER. It did.

Mr. BAKER. Had the President at that time requested those suggestions or that assistance?

Mr. PROCTER. He had not. The commission met members of the typographical union and delegates from the Public Printing Office, and took the petitions to the President, and said to the President that these organizations had requested the classification. The commission consulted with the President as to the advisability of acceding to their request.

Mr. BAKER. Does the civil-service law prohibit removals?

Mr. PROCTER. It does not.

Mr. BAKER. Where does the authority come from, then, to prohibit them?

Mr. PROCTER. By the authority vested in the President by the Constitution of the United States, and by section 1753 of the Revised Statutes.

Mr. BAKER. Please designate what part of the Constitution vests any such authority in the President of the United States?

Mr. PROCTER. The power of removal is incident to the power of appointment, and the Constitution vests that power in the President.

Mr. BAKER. The entire number of appointments are not vested in the President, are they?

Mr. PROCTER. The President and heads of departments; but the President has authority to issue orders to his heads of departments.

Mr. BAKER. Do you find that in any law or in the Constitution?

Mr. PROCTER. I have never looked for it.

Mr. BAKER. Can you restate concisely your statement made the other day in regard to there being a less number of clerks now than formerly? I did not catch it at the time.

Mr. PROCTER. I can.

Mr. BAKER. Please give it in a general way. I do not care for it specifically. You gave it specifically the other day.

Mr. PROCTER. The statement was that the number of clerks in the departmental service in Washington City from 1873 to 1883 had increased 68 per cent, while the number of clerks in the departmental service in Washington from 1883 to 1897 had decreased 3½ per cent.

Mr. BAKER. How was that obtained—by a count of the appointments?

Mr. PROCTER. By a careful examination of the official records and of the appropriations made for clerks of the various classes.

Mr. BAKER. Do you know whether the appropriations for the clerical service are more or less now than formerly?

Mr. PROCTER. They are less for the clerks in those classes. At the same time I stated that in the unclassified service—watchmen and messengers—there has been a growth, I think, of something like 43 per cent. Of course there are a great many people borne upon the laborers' rolls and the messengers' and watchmen rolls who do clerical work.

Mr. BAKER. In your opinion can there be any better test of fitness than practical efficiency?

Mr. PROCTER. No.

Mr. BAKER. Then why may not a clerk be promoted upon his efficiency record without further examination?

Mr. PROCTER. Those are the promotion regulations. The clerks are not examined for promotion, but there is an efficiency record made and kept in the departments, in which promotion examinations have been introduced, and that record is to show the character and the quantity and the quality of work performed, and promotions are to be made upon it and not on examination. That is the examination.

Senator LODGE. On the question of appointments, I have the provision of the Constitution here, and I may say it is perfectly clear.

Mr. PROCTER. Please read it.

Senator LODGE. It is as follows:

"He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

Mr. BAKER. My whole point is that the President had no right to interfere with the courts of law or heads of departments in regard to removals they might make, when the appointments had been vested in them by an act of Congress in pursuance of the Constitution.

Senator LODGE. What appointments do you refer to as being made by courts of law?

Mr. BAKER. By any court of law or by any head of a department in pursuance of law.

Senator LODGE. What do you refer to?

Mr. BAKER. I refer to any clerk in the department or any head of a division.

Senator LODGE. Where do you find any law which says they shall be appointed by the head of a department?

Mr. BAKER. The law of September, 1789.

Senator LODGE. Has not that been repealed by the act which provides that they shall be appointed under certain regulations of the civil service?

Mr. BAKER. No, sir; the act of 1883 repeals nothing, directly or indirectly.

Mr. PROCTER. The courts have decided, and so, I think, has the Attorney-General, that the act of 1883 must be read into every law of the land.

Mr. BAKER. You were speaking yesterday, I believe, in regard to life tenure, and said that your scheme of promotion would prevent any danger as to life tenure. Do we understand from that that if a clerk takes an examination for promotion and fails in the examination for promotion he would be dropped out of the service?

Mr. PROCTER. First, I will state that it is not my scheme of promotion. It is a scheme of promotion which has been arranged by consultation with the experts in the departments. By that scheme of promotion, if it is carried out, a clerk would not be dropped on any examination, but if the department decides that a person who does not reach a certain average, as determined by the efficiency rating, shall be demoted or dismissed, it would be a matter altogether with the department to regulate, and it may in that way be regulated so that after a person ceases to be efficient he would necessarily be separated from the service.

Mr. BAKER. Did I understand you to say that if a person has charges filed against him, in the method now pursued in the department, and the head of the department separates him from the service, he would henceforth be ineligible to return to the service?

Mr. PROCTER. He would.

Mr. BAKER. Can you state any authority by which that can be done, in view of the Constitution——

Mr. PROCTER. Under the rule that a person separated from the serv-

ice through delinquency or misconduct can not be reinstated. Such a person might go into the examination, and after a time might be appointed. It would be a question with the department then to decide whether or not it would appoint that person, but under the rules a person who is separated for delinquency or misconduct can not be reinstated.

Senator LODGE. Without examination?

Mr. BAKER. I suppose you are aware that the right to hold office is one of the privileges of American citizens. Do you think it proper that you should destroy the right to hold office without a hearing, without a trial, without swearing witnesses, without the person being confronted with any witnesses?

Mr. PROCTER. The civil-service law was enacted for the purpose of giving every person an equal right to show his or her capacity or qualifications to hold office; and if after they come into the office they demonstrate inefficiency or delinquency, they can not claim any right beyond that.

Mr. BAKER. Do you not think it a derogation of the right of an individual, without having a chance to meet his witnesses or even to know from what source the charges come, without a trial by jury, to have his right to hold office taken away from him?

Mr. PROCTER. The President's order of July 27 says that he must be removed only for just cause, upon written charges filed with the head of the department, on which he shall have an opportunity to make defense. I think, without wishing to express an opinion, that the order of the President goes as far as it is wise to go.

Mr. BAKER. As a matter of fact——

Mr. PROCTER. Wait a minute. The interest of the public service is the first consideration, and not the interest of the individual, and it would be detrimental to the public service if a man could not be removed from it without trial by jury such as you indicate.

Mr. BAKER. In the natural order of things the American citizen exists before government. In view of that fact, do you not think that he has an inestimable right, under our Constitution and Declaration of Independence, to hold an office, provided he is not shown to have been criminally negligent in any particular?

Mr. PROCTER. Nobody has an inestimable right to hold an office. It is a privilege.

Mr. BAKER. Nobody has a right to say to him under ordinary circumstances that he shall not hold office. In the action before the department the only chance a man has for his life, for his American citizenship, practically, is to answer a letter. I submit to the committee whether that is just in our Government.

Senator LODGE. Before the establishment of this rule a clerk could be removed from office absolutely without a hearing of any kind?

Mr. PROCTER. Certainly.

Senator LODGE. He had absolutely no hearing?

Mr. PROCTER. None whatever, with the exception of the carrier force under the Bissell order, which has been the practice for several years.

Senator LODGE. But the head of a department could remove a man without giving him any reason or cause?

Mr. PROCTER. Certainly.

Senator LODGE. Therefore this gives the individual clerk more opportunity than he had before?

Mr. PROCTER. Something that he never had before.

Senator LODGE. Have you any doubt that the power of removal on the part of the President is absolute?

Mr. PROCTER. It is absolute.

Mr. BAKER. My objection goes not to the fact that he is removed, but that a bar is put up to his ever coming back.

Mr. PROCTER. The President has simply limited his own power.

Mr. BAKER. If there was a tenure of office for clerks, would it necessarily follow that they would all go out at the same time? In progress of time would not that be graded along from day to day?

Mr. PROCTER. I can not answer the question.

Mr. BAKER. Was there not, prior to 1883, a probationary period, the same as there is now?

Mr. PROCTER. I think not.

Mr. BAKER. I know there was in the Treasury Department, at any rate. Do you think a citizen is under greater obligation to obey the civil-service law than any other law?

Mr. PROCTER. I think every citizen is under equal obligation to obey every law.

Mr. BAKER. What is the use of an eligible list several times greater than any probable demand upon it?

Mr. PROCTER. Because we wish to give to the citizens this right of which you have just spoken, to appear and be examined and go upon the register. We have no right to exclude them from the register.

Mr. BAKER. Then your examinations may extend to everybody in the United States?

Mr. PROCTER. If they want to take it. There is no limitation.

Mr. BAKER. Were not the persons marked by Mr. Albert Baker, as specified, generally removed?

Mr. PROCTER. I think they were. I do not know anything about it, though. I really ought to give no opinion.

Mr. BAKER. Can competency be held to be substantially the same as the capacity to answer educational or academic questions?

Mr. PROCTER. Read the question again, and read it slowly.

Mr. BAKER. Can competency be held to be substantially the same as the capacity to answer educational or academic questions?

Mr. PROCTER. That is an academic question.

Mr. BAKER. I supposed you would be familiar with it.

Mr. PROCTER. A man's qualifications and capacity to a certain extent are determined in his examination. They are tested on his probation. The examination is mainly to rate them relatively and to show which should be given the preference in certification.

Mr. BAKER. You have said that the power of removal is absolute. Under the order of July 27, 1897, do the heads of departments have free course to remove their subordinates?

Mr. PROCTER. They have, by following the procedure as indicated by the President.

Mr. BAKER. They could not remove a man unless they found him inefficient and there was some charge against him justifying his removal from the service?

Mr. PROCTER. I do not think they could, without violating the President's order.

Mr. BAKER. Then, when a man has been removed and can not be restored to the service, do not your rules and regulations take the place of criminal law in this country?

Mr. PROCTER. Not at all.

Mr. BAKER. Why not?

Mr. PROCTER. Men removed for cause have been reinstated when upon investigation it was found that the cause did not exist. If you would like, I will give you an instance.

A man was removed from the post-office in your State, I think, for mutilating Government property. It was found, on investigation, that the postmaster had told him not to collect the mail after 9 o'clock, and he erased from the letter box the hour of collection. The commission investigated the matter, and said the man had not been removed for a delinquency; that he had carried out instructions, and rightly thought he was serving the public by informing them that it would be useless to deposit mail in the box after that hour.

In another case a post-office clerk was removed for selling lottery tickets, because there is a postal order against it. It was found that the clerk, instead of selling lottery tickets, was raffling a watch which belonged to a sick clerk, I believe, for the benefit of the clerk and his family. The commission were of opinion that that was not a violation of the postal regulation, and that the man had been unjustly removed, and recommended his reinstatement; and, although the postmaster at first declined to certify that he was not removed for delinquency, we believed it was a political removal, and the man, at the instance of the commission, was reinstated.

Senator LODGE. This is only a question of barring people out from employment without examination?

Mr. PROCTER. That is all.

Senator LODGE. There is nothing to prevent them from taking the examination, being again certified, and the appointing power passing on them again?

Mr. PROCTER. No.

Mr. BAKER. Would you receive application papers from a man who had been turned out for inefficiency?

Mr. PROCTER. Yes; for inefficiency. I think there is a regulation of the commission that if a man is turned out for inefficiency he must remain one year before he is admitted to examination.

Senator LODGE. The rule does not constitute a bar to a man's return to the service. It constitutes a bar to his return to the service without examination?

Mr. PROCTER. Certainly.

Mr. BAKER. It makes no difference, I presume, whether he is admitted to the service from a high standing or not?

Mr. PROCTER. There is a provision in the rule or the law that no man who has been guilty of a crime shall be examined, and if a man were removed for crime, I think the commission would not be justified in admitting him to the examination.

Senator LODGE. I understand the distinction about crime, but I wanted to bring out that this constitutes no bar to his employment.

Mr. PROCTER. The rule on the subject is as follows:

"The commission may, in its discretion, refuse to examine an applicant or to certify an eligible who is physically so disabled as to be rendered unfit for the performance of the duties of the position to which he seeks appointment, or who has been guilty of a crime or of infamous or notoriously disgraceful conduct."

Senator LODGE. Even then there is no absolute bar.

Mr. PROCTER. It is discretionary.

Mr. BAKER. I suppose that would relate, of course, to conviction for crime?

Mr. PROCTER. I should think it must be either conviction or acknowledgment.

Mr. BAKER. I understood you to say the other day that the law provides that politics must be excluded from the Government service. Where do you find that provision in the law?

Mr. PROCTER. The reading of the law shows that in holding the examinations——

The CHAIRMAN. I do not think we should take up the time of the committee in discussing what the intent of the law is in respect to these matters. The law speaks for itself.

Mr. BAKER. Who is the chairman of your central board of examiners?

Mr. PROCTER. Mr. Kiggins.

Mr. BAKER. Did he ever undergo an examination to demonstrate his fitness for the position?

Mr. PROCTER. He has undergone a most rigid examination to demonstrate his fitness for the position.

Mr. BAKER. What was the nature of it?

Mr. PROCTER. Long, faithful, and efficient service.

Mr. BAKER. Is he a man of broad education and reading?

Mr. PROCTER. He is.

Mr. BAKER. Who is the examiner on law questions?

Mr. PROCTER. We have several. The main examiners on law questions are the lawyers commissioned on our force from the several departments.

Mr. BAKER. Temporarily detailed, I suppose?

Mr. PROCTER. They are not on the detailed force of the commission, but they are called in whenever law examinations are held.

Mr. BAKER. How are the law questions prepared?

Mr. PROCTER. They are prepared by these gentlemen. I am very glad you called my attention to that point, because I had very nearly forgotten something bearing on that question. I will see if I can find it.

The CHAIRMAN. Is it a lengthy document?

Mr. PROCTER. Is it not.

The CHAIRMAN. You can quote it from memory.

Mr. PROCTER. We have recently held an examination for a very high-class position in the law department of the Land Office, naming certain conditions requisite for entrance to the examination. A man must have had five years' experience in the practice of land laws, or must have been upon the bench where land laws were practiced. There was an age limitation. He must not be over 55 years of age. The result of the examination, which was very hard, was that ten out of twelve who entered the examination passed high. One man got over 95—I think he got 98—and the men of the largest experience in the practice of the law were the ones who passed highest on that examination.

Mr. BAKER. Is the person in charge of your law examinations a practicing lawyer or has he ever been a practicing lawyer?

Mr. PROCTER. No one person is in charge of our law examinations. That is under the chief examiner, who is a lawyer.

Mr. BAKER. Are you divided into sections or divisions?

Mr. PROCTER. No; the commission's work of that sort is not divided into sections. We detail the proper person to consult with the department and get up the examination.

Mr. BAKER. Is there any one person to whom this matter is generally intrusted?

Mr. PROCTER. I think Mr. Wales probably has more to do with these consultations than any one else.

Mr. BAKER. How is it in the matter of chemistry; is the person to whom that has generally been intrusted an experienced chemist?

Mr. PROCTER. Always an experienced chemist.

Mr. BAKER. Is the person to whom that is generally assigned in your commission an experienced chemist?

Mr. PROCTER. The work for the past few years has been under one of the brightest chemists in Washington, who was detailed to the commission's force. He is not now on detail to the force, but the best chemists in the Government service, such men as the chief chemist of the Geological Survey and the chief chemist in the Agricultural Department, are called in to consult and aid the commission in the preparation of these examinations.

Mr. BAKER. Is your person who is generally in charge of the examination of stenographers and typewriters an expert?

Mr. PROCTER. I think always. That is a very simple examination.

Mr. BAKER. The examination is simple, but is the person to whom it is intrusted in your commission himself an expert stenographer and typewriter?

Mr. PROCTER. I do not know. I can not answer. Mr. Kiggins can answer the question. I know we have most excellent results from our examinations for stenographers and typewriters. It is one of the examinations where there can be an absolute test, and the results have proved most satisfactory.

Mr. BAKER. Has the commission power to restrict the departments as to location in making appointments?

Mr. PROCTER. No; except in the departmental service in Washington the appointments must be apportioned among the States, according to population.

Mr. BAKER. If you were examining a person for a position in the postoffice at Boston, could you limit the examination to the city of Boston or the county of Suffolk?

Mr. PROCTER. Certainly. We would hold the examination only in Boston.

Mr. BAKER. Would you admit anyone from the State of New Hampshire to the examination?

Mr. PROCTER. I should think we would have to admit anybody who applied at Boston for that examination; but the question whether we would be justified in certifying from New Hampshire, if the postmaster objected, on proving that the man was a citizen of New Hampshire, would be taken up and considered by the commission on the facts presented.

Mr. BAKER. I have no further questions.

Senator LODGE. That closes the cross-examination?

The CHAIRMAN. That closes the cross-examination.

NAVY DEPARTMENT.

STEEL INSPECTORS.

The CHAIRMAN. I have received a communication from Assistant Secretary Roosevelt in relation to the appointment of steel inspectors, as to which he was interrogated when on the stand. The communication will be printed in the record.

The communication is as follows:

NAVY DEPARTMENT,
OFFICE ASSISTANT SECRETARY,
Washington, February 3, 1898.

MY DEAR SIR: In accordance with your request, I have to inform you as follows about the steel inspectors:

The examination was held over a year ago; that is, in January, 1897.

It appears that some trouble occurred in connection with the inspection of the steel plates submitted by the armor companies to the Gov-

ernment, and the Secretary of the Navy, Mr. Herbert, came to the conclusion that in the interests of the Government it was desirable to have a special corps of civilian experts appointed only with reference to their peculiar capacity for the very technical work needed. It was necessary to take immediate action. In such a case the examination invariably has to be conducted by experts outside of the Civil Service Commission's regular force. In this instance the commission, of course, had no register of eligibles and no means of getting any. It was a few months after the great extension of the classified service, which put in 30,000 places extra, and it was a simple physical impossibility for the commission, already swamped with work, to take charge of the highly technical examinations of this nature, at least until its ordinary and regular work was in shape. A special examination for a very small class of applicants, as in this case, of course entails as much work as (and if the examination is highly technical, very much more work than) is the case with a simple examination for a very large class of candidates of a kind which the commission has to itself undertake. It was impossible to wait, and Secretary Herbert and the commission took the only proper course, a course which, in my opinion, can be objected to only on the narrowest red-tape grounds.

The Secretary, as appears by his letter of January 29, 1897, got permission from the commission, through Chief Clerk Peters, to have a special examination held by an officer of the Navy who was an expert in the manufacture of steel, Assistant Naval Constructor R. B. Dashiell. The holding of the examination was thoroughly advertised. About 150 applications were sent in. According to the report of Mr. Dashiell, the examination was very thorough, covering the entire ground of the inspection of steel and iron, developing every candidate's abilities to conduct the physical and chemical inspections required, the constructor also giving weight to the testimonials and general fitness of the candidates. Fifteen men were appointed in consequence of this examination, who have given entire satisfaction.

Men appointed to this position have to perform such peculiar duties hat I question whether an ordinary civil-service examination would e adequate to test them. Certainly if they were appointed as the esult of written competitive examination, it could only be in accordnce with one conducted on the same lines as that conducted by Mr.)ashiell. In this particular case, for the Civil Service Commission and ıe Navy Department to have followed any other course than the one ıey did would not only have been absurd, but would have been highly etrimental to the public interest.

I am, with great respect, yours truly,

THEODORE ROOSEVELT,
Assistant Secretary.

Hon. J. C. PRITCHARD,
United States Senate.

GOVERNMENT PRINTING OFFICE.

The following letters were ordered to be printed in the record:

WASHINGTON, D. C., *January 14, 1898.*

Ion. J. C. PRITCHARD,
Chairman Committee on Civil Service and Retrenchment.

SIR: In compliance with your request that I submit in writing the tatement I desired to make verbally before your committee yesterday

in regard to the benefits derived by the Government as a result of the application of the merit system to the Government Printing Office, I have the honor to submit the following facts for the information of your committee:

The total amount expended for public printing during the fiscal year ending June 30, 1894 (see Public Printer's Report, p. 18), was $3,940,410.11, the expenditure for labor being $2,894,304.38, or about 74 per cent of total amount expended.

The total amount expended during the fiscal year ending June 30, 1897, exclusive of $99,859.47, the cost of land, boiler-house, etc. (see Public Printer's Report, p. 73), was $3,870,220.79, the expenditure for labor being $2,663,195.99, or about 69 per cent of total.

These statements show a reduction of $70,189.32 in the total amount expended in 1897, notwithstanding the fact that $75,000 to $100,000 had, between 1894 and 1897, been added to the expenditures for public printing through the Public Printer by the transfer to him of printing offices in several of the departments, the increase of the pay of pressmen by law, the increase of the pay of press feeders and other employees by Mr. Benedict, the establishment of the document division in the Union Building, etc.

By reference to the Public Printer's reports for 1894 and 1897 (see pages 54 and 124) it will be seen that there were 11,048 more pages and 18,230,037 more copies printed in 1897 than in 1894 on documents ordered by Congress and on private orders. It will also be observed that in 1894 there were printed on private orders 100,502 pages, while in 1897 only 54,104 pages were printed on such orders. The pages printed on private orders cost from 50 to 80 per cent less than those printed for Congress, for the reason that there is no charge for composition and because the numbers printed are much smaller, and these facts should be kept in mind when comparing the amount of work done during these two years.

There are no statements in the Public Printer's reports by which a comparison can be made and the increase in the amount of work done for the Executive Departments in 1897 definitely shown, but it is beyond question that there was a considerable increase, certainly not less than 10 per cent. In the specification division there was an increase in 1897 over 1894 of about 14 per cent in the number of pages put in type and printed for the Patent Office; 84,802 in 1897 and 73,456 in 1894.

On the basis of an increase of 10 per cent in the amount of work done in 1897 the Government saved, in comparison with 1894, over $450,000 during the year—$70,000 in reduced expenditure and $394,000 in increased production.

These facts fully demonstrate the wisdom of the President's action in placing the Government Printing Office under the civil-service rules, and in my judgment furnishes the strongest possible reason for keeping it securely within the classified service.

Respectfully, E. W. OYSTER.

WASHINGTON, D. C., *January 15, 1898.*

Hon. J. C. PRITCHARD,
Chairman Committee on Civil Service and Retrenchment.

MY DEAR SIR: I learn through the newspapers that one E. W. Oyster, in advocating before your committee the beneficence of the civil-service law as applied to the Government Printing Office, makes a comparison between the cost of work for the year 1894 under the old system and

that of 1897 under the civil-service law. He claims a difference of $450,000 in favor of the latter year, which he credits to civil service.

This statement is contrary to fact and totally misleading. The fact is, that in 1894 what is known as the "piece" system prevailed to a large extent in the Government Printing Office, under which rapid compositors made from $4 to $4.50 per day. When Mr. Benedict became Public Printer he abolished piecework, placing all the compositors—the good ones and the poor ones—on the same plane at $3.20 per day. By this wholesale reduction of wages a saving was no doubt made—the difference between $3.20 and $4 each compositor each day; but the civil-service law had no part in the inauguration of this apparent saving at the expense of skilled workmen who would put in type 8,000 to 10,000 ems per day while the less skilled would set up but 6,000, and all receive the same compensation.

I hope, Mr. Chairman, you will let this correction go on record with the statement it corrects, for I am satisfied it is truth you seek in your investigations and not baseless statements.

Respectfully,

B. F. HACKMAN,
Member Typographical Union No. 101.

The subcommittee adjourned until to-morrow, Saturday, February 5, 1898, at 10 o'clock a. m.

SATURDAY, *February 5, 1898.*

The subcommittee met at 10 o'clock a. m.

Present: Senators Pritchard (chairman), and Harris; also Hon. John R. Procter, president of the Civil Service Commission; Mr. John T. Doyle, secretary; Mr. A. R. Serven, chief examiner; Mr. E. D. Bailey, and Mr. G. R. Wales, of the Civil Service Commission, and Hon. H. M. Baker, acting president of the National Anti-Civil Service League.

AGRICULTURAL DEPARTMENT.

BUREAU OF ANIMAL INDUSTRY.

DISMISSAL OF CERTAIN EMPLOYEES AT SOUTH OMAHA.

TESTIMONY OF W. H. HUSTON.

W. H. HUSTON, being duly sworn, testified as follows:

The CHAIRMAN. I understand that you have a statement which you desire to submit with respect to the South Omaha investigation.

Mr. HUSTON. I prepared a letter to the commission explaining the matter, which I wish to bring before you.

The CHAIRMAN. You can have the letter incorporated as your statement here if you desire.

Mr. HUSTON. All right. This is a press copy.

Mr. PROCTER. I have the original copy here.

The CHAIRMAN. The press copy will answer.

The letter referred to is as follows:

FEBRUARY 3, 1898.

To the COMMISSION:

As certain of Dr. White's statements before the Senate committee relative to the removal of himself and others from the Bureau of Ani-

mal Industry at South Omaha, Nebr., might lead to the inference that the testimony previously given by him in the investigation undertaken by the commission had been suppressed by me, and that an injustice had been done him (see testimony taken by subcommittee, page 65), a statement of the facts connected with the taking and disposal of his testimony seems called for.

Dr. White was examined very near the close of the investigation. His statement of his case was so very confused and unsatisfactory that I at once consulted his attorney, Mr. Lambert, as to whether he would not prefer to substitute an affidavit for the oral testimony. After a conference with Dr. White, he decided to prepare an affidavit, and I left Omaha with the understanding that it would be forwarded in a few days. Pressure of other important matters on Mr. Lambert's attention, however, delayed the preparation of the affidavit for weeks.

On receipt of the transcript of the evidence taken at South Omaha, I wrote the Doctor, urging haste in the preparation of the affidavit. I also directed my stenographer to see Dr. White, and either secure the affidavit as promised or make and forward a transcript of the Doctor's testimony as orally delivered. In a few days the affidavit was received. It was placed with the rest of the evidence and my report, and formed part of the case as submitted by me to the commission.

Dr. White is the last one to complain in this connection, as the action taken was entirely in his interest.

Very respectfully, W. H. HUSTON.

The CHAIRMAN. Do you desire to make an additional statement?

Mr. HUSTON. None other, unless you wish some other in connection with it.

The CHAIRMAN. I believe it was alleged by Dr. White that you refused to report the cross-examination on behalf of the employees who had been turned out by order of Secretary Morton?

Mr. HUSTON. My order to the stenographer was to report the direct examination and such of the cross examination as covered new matter.

The CHAIRMAN. I think the stenographer testified that you went over it with him and that you used your discretion as to the portion of the examination which should appear in the record. How is that?

Mr. HUSTON. Yes; I went over it with him and told him the parts I wished him to transcribe. The cross-examination was very voluminous, and covered largely the same points that the direct examination did.

The CHAIRMAN. Did you have him exclude any material evidence in favor of the South Omaha people who were interested in having an investigation?

Mr. HUSTON. No, sir; I did not. I do not think there was any point in the cross-examination material to the case that was not brought out in the direct examination.

The CHAIRMAN. Did you refuse to examine any witnesses whom they tendered to you while you were there?

Mr. HUSTON. No, sir; I examined every witness they asked me to examine. I examined something over fifty.

The CHAIRMAN. Something over fifty?

Mr. HUSTON. Something over fifty, and I spent half a day in going to see some half a dozen patients of Dr. White whom he did not bring there, to see as to when they employed him, whether they tried to get him during office hours, and their success along that line.

The CHAIRMAN. You yourself know nothing about Dr. White personally?

Mr. HUSTON. Nothing, only what I learned about him in connection with the investigation; that is all.

The CHAIRMAN. You know nothing about his qualifications?

Mr. HUSTON. Nothing especially. I never saw him before I went to Omaha.

The CHAIRMAN. Were you instructed by anyone in Omaha to make the investigation with a view to vindicate the gold Democrats in Omaha?

Mr. HUSTON. No, sir; I was not instructed to make it to vindicate anybody. I was there to get the facts, whatever they were.

The CHAIRMAN. It was alleged by parties in Omaha that you were out there for that purpose, and I desired to give you an opportunity to deny it.

Mr. HUSTON. No, indeed.

The CHAIRMAN. This is all I care to ask you.

CIVIL SERVICE COMMISSION.

TESTIMONY OF W. R. BUSHBY.

W. R. BUSHBY, being duly sworn, testified as follows:

The CHAIRMAN. What position do you occupy, Mr. Bushby?

Mr. BUSHBY. I am a clerk of class 4, designated by the commission as chief of the certification division.

The CHAIRMAN. What are your duties?

Mr. BUSHBY. To supervise the work of issuing certifications for the various branches of the service.

The CHAIRMAN. Has the rule with respect to appointment among the States been observed by the Civil Service Commission?

Mr. BUSHBY. It has.

The CHAIRMAN. Do you mean to say that it has been observed in all the departments?

Mr. BUSHBY. Generally, yes. That will probably require some little explanation. There are cases in the discretion of the commission. The rule of apportionment may be waived where the interests of the service demand such action.

The CHAIRMAN. Why has it not been observed in the Government Printing Office?

Mr. BUSHBY. If you will allow me, the rule governing apportionment is contained in clause 5 of rule 8, and reads as follows:

"Certifications for appointment of persons for service in, or on direct detail from, any department or office in Washington, D. C., shall be so made as to maintain, as nearly as possible, the apportionment of such appointments among the several States and Territories and District of Columbia upon the basis of population, except to appointments in the Government Printing Office; to the position of printer's assistant, skilled helper, and operative in the Bureau of Engraving and Printing; to positions in the post quartermaster's office, in the pension agency, and other local offices in the District of Columbia; and to the positions of page and messenger boy, and apprentice or student."

The CHAIRMAN. Has the rule been observed in the Government Printing Office, with the exceptions you have stated?

Mr. BUSHBY. Yes, sir; it has.

The CHAIRMAN. Those are the only exceptions?

Mr. BUSHBY. Those are the only exceptions.

The CHAIRMAN. What are the exceptions in the Government Printing Office?

Mr. BUSHBY. All appointments in the Government Printing Office.

The CHAIRMAN. I thought there were certain exceptions.

Mr. BUSHBY. No, sir. There are certain exceptions in the Bureau of Engraving and Printing.

The CHAIRMAN. Do you not think that the rule should be made to apply to the Government Printing Office as well as any other branch of the service?

Mr. BUSHBY. I do, with a certain limitation. I think there are cases, where temporary employees are needed immediately, when the Public Printer should not be restricted to the rule of apportionment in making those temporary appointments. Otherwise, where a permanent appointment is made, I think it would be advisable to apply the rule of apportionment to all appointments in the Government service in the District of Columbia.

The CHAIRMAN. That would mean, then, that no permanent appointment could be made from the District of Columbia for the present?

Mr. BUSHBY. Yes, sir; that is exactly what it would mean, because the District of Columbia has largely exceeded its quota.

The CHAIRMAN. Within the last year has it been the practice of the commission to make no permanent appointments from the District of Columbia?

Mr. BUSHBY. No permanent appointments where there are eligibles from other States. There are certain cases where it is impossible to secure eligibles except from the District of Columbia. Those are special.

The CHAIRMAN. Take compositors, for instance. You have eligibles from other States on the compositor list, have you not?

Mr. BUSHBY. Yes, sir.

The CHAIRMAN. There have been no permanent appointments made from the eligible list of compositors in the District of Columbia?

Mr. BUSHBY. Oh, yes; because the rule of apportionment does not apply to the Government Printing Office. Consequently, a District of Columbia man is as much entitled to a position there as those from all the States. In fact the statement which has just been presented by Mr. Procter for file indicates that the District of Columbia has a large proportion.

The CHAIRMAN. What is the number?

Mr. BUSHBY (examining). In the number of compositors the District of Columbia has only 14 out of 263. In the total number of appointments—that is, for all classes of work in the Government Printing Office—the District of Columbia has 155 out of 491.

The CHAIRMAN. You think the rule should be amended then so as to have apportionment observed in the District of Columbia, except in the case of temporary appointments?

Mr. BUSHBY. Yes, sir; I do. I think it would be advisable. Of course that is an opinion of mine.

The CHAIRMAN. Have you given any thought as to the length of time an eligible should be permitted to remain upon the eligible list after having once passed an examination?

Mr. BUSHBY. Yes, sir; I have; and I have submitted to the commission a memorandum in regard to that matter, suggesting that the year limitation be extended in certain cases.

The CHAIRMAN. Please give us the nature of the memorandum you submitted.

Mr. BUSHBY. In effect, that where it has been impossible to secure eligibles after due advertisement and the examination was of a special or technical character the year of eligibility should be extended until the commission could secure eligibles. I want to say here, however, that that matter is not at all original with me. Something along the same lines was submitted by Mr. Doyle, the secretary, as far back as 1895.

The CHAIRMAN. Do you not think that that should apply generally to parties who are on the eligible list?

Mr. BUSHBY. Not generally, Mr. Chairman. It should apply where there is a scarcity of eligibles, but if it should be made to apply generally our registers would be overburdened.

The CHAIRMAN. That is the only reason why you think it should not be done?

Mr. BUSHBY. That is the only reason. There would be more people on our registers than could ever be reached; and, of course, it would be holding out false hopes to them to have them remain on the registers for an indefinite time.

The CHAIRMAN. Is it not also holding out false hopes to them to have them take an examination and then not permit them to remain there until they get an appointment?

Mr. BUSHBY. Under the present rules it is very generally understood by competitors that if they do not receive an appointment within the year of eligibility they go off the register.

The CHAIRMAN. Your idea is that they take the examination with notice?

Mr. BUSHBY. Yes, they take it with notice. The literature of the commission is fair notice to them that unless they attain a certain grade in the examinations there is absolutely no prospect of appointment within the year of eligibility.

The CHAIRMAN. What length of time is prescribed within which you can reinstate persons after they have been once dismissed from the service or at least have resigned or have left the service?

Mr. BUSHBY. A reinstatement can be made within one year of people who have no war record. A war record entitles a person separated from the service to reinstatement without length of time.

The CHAIRMAN. You can reinstate them in the department from which they were severed. Can you not reinstate them in one department and immediately transfer them to another department?

Mr. BUSHBY. Yes, sir; the rules permit of such a transfer.

The CHAIRMAN. In what length of time can you do that?

Mr. BUSHBY Within one year if the person has no war record.

The CHAIRMAN. Has that rule been observed strictly by the commission?

Mr. BUSHBY. I can only answer that generally. I think it has. There may be cases which I am not——

The CHAIRMAN. You know of no cases wherein the rule has been violated?

Mr. BUSHBY. I know of no cases personally.

The CHAIRMAN. You can only speak of such matters as come within your knowledge.

Mr. BUSHBY. Exactly. I have no control over that matter at all, sir.

The CHAIRMAN. How long have you been in the employ of the Civil Service Commission?

Mr. BUSHBY. I was detailed in 1892 from the Weather Bureau. I have been in the Government service since 1871.

The CHAIRMAN. Have you any suggestions to make to the committee with respect to the modification or amendment in any way of the civil-service law?

Mr. BUSHBY. I do not think I have, Mr. Chairman.

The CHAIRMAN. There is nothing that you desire to suggest?

Mr. BUSHBY. Nothing whatever. I think that is a matter which can be handled by the Civil Service Commissioners very properly.

The CHAIRMAN. Is there anything else you would like to state?

Mr. BUSHBY. Nothing, sir.

TESTIMONY OF E. D. BAILEY—Continued.

The CHAIRMAN. Mr. Bailey, I understand that you desire to make a further statement in regard to the matter under consideration.

Mr. BAILEY. Yes, Mr. Chairman, I do desire to make a statement. I should like to preface the information which I am going to give by saying that for the past two years there have been certain tendencies in the commission which have troubled me and caused me to think that the rules were not being enforced as well as they ought to be, and that some practices were growing up which were detrimental to the public service, and especially were injurious to the application of the merit system.

About a year ago I was so much impressed with this fact that I felt it to be my duty to communicate with Mr. Roosevelt on the subject. I wrote him a letter confidentially and inclosed with it a memorandum. Recently before this committee, Mr. Procter in cross-questioning me brought out a statement of that fact, which led to the introduction of that memorandum as evidence before the committee. This was followed by what I regarded as a personal attack upon myself by Mr. Procter, and both the Roosevelt memorandum and the paper read by Mr. Procter were made a part of the record of the committee and also published in the daily papers.

This has put me in a position either to substantiate the statements made in that memorandum or retract them. I can not retract them because according to the best of my knowledge and belief they are true. I am therefore forced to substantiate them.

The facts which I am about to state are of so grave a nature that, perhaps, even if I had not been forced into this alternative, I might feel as if they called for a disclosure before this committee in any event. I have prepared myself to take up these facts consecutively and under certain topics.

The first set of facts which I want to bring before the committee will disclose the four methods of evading the reinstatement rule, which is rule No. 9. I have brought with me some copies of the rules, thinking that perhaps the committee might desire to refer to them as I proceed. There are other copies here if any persons desire them. Rule 9 is on page 20 of the pamphlet. The first part of this rule provides for the reinstatement of persons who were separated from the service within one year from the date of such separation on requisition of the head of a department. The two dates which are fixed in the first part of this rule are the date of separation and the date of the request for reinstatement, signed by the head of the department. The facts which I shall state have no relation to the two provisions of this rule, one relating to reinstating in the same grade, and the other to the military service.

The first fact to which I want to call attention relates to a reinstatement in the custom-house at San Francisco. Some discharges were made in the custom-house and afterwards the matter was investigated by the commission and by the Treasury Department. It was ascertained that at least one of those separations from the service was on account of charges which were untrue. The commission believed that the person thus separated from the service ought to be reinstated, and the Treasury Department was willing to reinstate. It was ascertained, however, that he had been out of the service considerably more than one year. My recollection is that it was more than two years.

The CHAIRMAN. In dealing with these matters I trust you will give the names of the individuals.

Mr. BAILEY. I shall give the names in most cases, but in one or two cases, and this is one, I am not able to give the name because I have been required to rely upon my memory in reference to it without referring to the records. On this account I shall not be able to give the name.

The CHAIRMAN. How is it that you are able to speak of the matter and can not give the name? I think it is due the commission and the committee that we should have the name or the reason why you do not choose to give it.

Mr. BAILEY. I have been requested by the commission not to refer to the records of the commission in any facts which I might desire to bring before this committee.

Mr. PROCTER. Mr. Chairman, will you kindly ask when that request was made?

The CHAIRMAN. Yes. I did not catch your statement, Mr. Bailey.

Mr. BAILEY. I stated that I was requested by the commission not to refer to the records of the commission in——

The CHAIRMAN. In your testimony before the committee?

Mr. BAILEY. In ascertaining the facts in preparing the testimony for presentation.

The CHAIRMAN. Do you mean to say that you were forbidden to examine the records?

Mr. BAILEY. Yes, sir.

The CHAIRMAN. Who made the request?

Mr. BAILEY. The request was first communicated to me through Mr. Serven, and afterwards by Mr. Proctor himself, in a conversation which he brought about.

The CHAIRMAN. What did he say to you about it?

Mr. BAILEY. He stated to me that the commission had requested that I should not refer to the records of the commission for the presentation of any facts, but I was at liberty to present anything which I could carry in my own memory. A little later than this—

The CHAIRMAN. When was that?

Mr. BAILEY. About Friday, I think.

The CHAIRMAN. Friday of last week?

Mr. BAILEY. Yes, sir; I think it was Friday of last week. Mr. Procter then asked me to come downstairs, and, in the presence of Mr. Serven, in conversation repeated the same request, together with some other statements which he made.

The CHAIRMAN. What did Mr. Procter say to you about it? You say he repeated the request. What did he say? What was his language?

Mr. BAILEY. He said on that subject two things. I would not attempt to quote his language, but he said I was not to search the records. He

said that he wanted to break up this holding interviews with clerks of the commission and——

The CHAIRMAN. What did he mean by that?

Mr. BAILEY. I suppose he meant that he desired me not to converse with them on questions that would arise in this investigation.

The CHAIRMAN. Please repeat your answer. I did not hear you distinctly.

Mr. BAILEY. My understanding was that he forbade me to make inquiries of clerks who were informed in reference to matters that I intended to bring before this investigating committee.

The CHAIRMAN. Did he state anything else to you about the matter at the time? Did he give any reason why he wanted this practice stopped?

Mr. BAILEY. He reminded me that there was a certain loyalty or subserviency recognized in all the departments which was due to the superiors by the subordinates, and he also reminded me that my situation with the commission depended upon the course I pursued.

The CHAIRMAN. Do I understand you to say that he intimated to you that you should be removed if you testified; if you told what you knew about it?

Mr. BAILEY. He did not say if I testified. As nearly as I can remember it, he repeated it three times in different forms, in substance that my situation depended upon the course which I pursued; and the conversation related to the investigation.

The CHAIRMAN. Did he suggest to you the course that you should pursue?

Mr. BAILEY. No, sir, he did not; except as he reminded me of the obligation of every subordinate to be loyal to his superiors.

The CHAIRMAN. What did you say to him? Did you say anything to him?

Mr. BAILEY. Yes, sir. I stated to him that I had always recognized that obligation, and that anything I had done had been so confidentially done that it was not calculated to work an injury to my superiors. But I said to him also that, while I recognized that obligation up to the time he made the personal attack upon me, I did not recognize it any longer.

The CHAIRMAN. Did you ever recognize a condition which would preclude you from telling all the facts you might know about a case before a committee when under oath?

Mr. BAILEY. No, sir; I never recognized any such obligation as that if the circumstances were such as to warrant a disclosure of wrongdoing, but in the ordinary course of things I regard office work as, in a sense, so far as the subordinates are concerned, confidential. If it is to be given out to the public it is by the superior officers. I recognize that obligation.

The CHAIRMAN. Can you give the date of the transaction to which you referred?

Mr. BAILEY. I can only give it approximately. My recollection is that it was in the summer of 1896, but I have not been able to verify my recollection in regard to it. I will say that I have selected this as one of the facts which I desire to state, because it is the first one according to the best of my knowledge and belief in which there was a violation of the reinstatement rule, and for its historical connection I desire to recite the facts as I remember them. Of course whatever statements I make can be verified from the records.

The CHAIRMAN. You can proceed, stating such facts as have come within your knowledge.

Mr. BAILEY. I stated that both the department and the Civil Service Commission felt it was due to this man, in view of the fact that he had been discharged without just cause, to be reinstated, and the question arose whether that could be done. I argued against doing it under the reinstatement rule. I was then acting chief examiner. I argued against it for two reasons. It seemed to me, in the first place, that the discharge must be regarded as a bona fide legal discharge; otherwise this man would have a claim against the Government for something like two years of service which he had not rendered; and if the commission or the department were to take the ground that the discharge was illegal it might give him a legal claim against the Government.

I argued against the reinstatement for another reason, namely, that he had been out more than one year, and the terms of rule 9 were so explicit that it gave the commission no discretion in a case of this kind; and if the commission were to exercise any discretion it would be establishing a very dangerous precedent which might lead to damaging results in the future.

The commission then requested me to prepare an amendment which would cover a case of this kind, and I did so. The amendment underwent the scrutiny of various persons about the office and was finally presented to the commission. As I understood it, the commission approved the terms of the amendment proposed. I supposed it to have been submitted to the President. So far as I know, it never was submitted; but, very shortly after that, the commission took action by authorizing the reassignment to duty of the man who had been separated from the service. As I remember it, they did not issue a certificate for his reinstatement, because they took the ground that he had not been lawfully discharged, and therefore, it was within the power of the department to reinstate.

I regarded that as a very dangerous action at the time, because if it is possible to set aside an actual discharge and regard it as furlough, there is almost no limit to the extent to which the departments can evade the plain provisions of Rule IX.

There is another case which illustrates this evasion of the reinstatement rule. It is a case which arose in the Government Printing Office on August 1, 1895. When the classification took effect in the Government Printing Office, there were 35 compositors on temporary employment. As I remember it, all of the other temporary employees of the Government Printing Office were separated from the service prior to the date of classification except these 35. They remained in office there until the 6th of August, long enough to cross the line into the classified service. They claimed before the commission that they had entered the classified service, and therefore were eligible to reinstatement within one year from the date of their separation. There was some little difference of opinion as to the technical form in which this right should be stated, and the commission wrote to the Public Printer, asking him to correct his roster of classified employees by including these 35 persons. Mr. Benedict resented this request, evidently regarding it as an effort on the part of the commission to force these 35 persons into the service again, misunderstanding entirely the spirit of the commission's action. The effect of this anger on his part was to lead him to refuse the reinstatement of any one of these persons. Of course, there is no law to require him to reinstate; it is entirely optional with himself. There is no doubt that they had the right of reinstatement at any time

within one year, but he did not choose to exercise his prerogative and make a requisition for their reinstatement.

Various efforts were made to reconcile the matter, but without any success. Under the present Administration the remnant of those 35, who were still out of the service, some of them having gone in their examination, some of them having left the city, made another appeal to the commission, and the outcome of it was that the commission expressed a willingness to the Public Printer to allow these persons to be reassigned to duty if the Public Printer would say that they had not been lawfully discharged. The question whether they had been lawfully discharged hinged on a very minor consideration. It was said that there was one form of discharge for permanent employees and another form for temporary, and that they had been discharged on the wrong form. On this pretext permission to reassign them to duty was given. I do not think the Public Printer ever explicitly stated that he regarded them as unlawfully discharged; but, nevertheless, some of the 35 persons who had been out something like three years have been reassigned to duty in the Government Printing Office with the knowledge and consent of the Civil Service Commission.

The CHAIRMAN. In speaking of the form of dismissal, is it the letter which is written to them when they are dismissed?

Mr. BAILEY. The details of it I do not know, but, as I understand it, there has been one blank form which was used for the discharge of a regular permanent employee and another blank form which was used for the discharge of persons who were only temporarily in the service.

The CHAIRMAN. And the temporary form had been used for the discharge of those who had been regularly employed; is that the idea?

Mr. BAILEY. Yes; I think that was the point about it. If the commission decided that they were permanent employees and in the classified service they should have received the other form of discharge.

The minutes of January 21, 1898, show that E. T. Faucher was dismissed from the service January 8, 1897, and that the commission authorized his reinstatement, the certificate to date back to December 21, 1897. It will be noticed that he was dismissed from the service January 8, 1897, and hence on January 21, 1898, the time of eligibility for reinstatement had expired, and the commission authorized the certificate to be dated back to bring it within the year limitation.

The CHAIRMAN. It was dated back to the 8th of January?

Mr. BAILEY. It was dated back to December 21.

There is another case somewhat like this, differing just in a minor particular. It is the case of Miss Agnes Gerry. The Interior Department made a requisition dated July 2 for her reinstatement. She was separated from the service June 30, 1896, and hence on July 2 her year of eligibility to reinstatement would have expired. The Department requested permission to date back its requisition, and this permission was granted by the minutes, the exact date of which I can not give, but in June, 1896, the early part of June.

The CHAIRMAN. Do the minutes show that the Department was permitted to date back the requisition?

Mr. BAILEY. Yes, sir.

The CHAIRMAN. What reasons were assigned therefor?

Mr. BAILEY. The minutes do not show any reasons, and I do not know them.

I will refer to another case in which the year limit was suspended. It is the case of Miss Mary Van Vranken. She was removed from the office of the Commissioner of Internal Revenue September 30, 1894.

The request for her reinstatement was dated June 3, 1897. The minutes show that within the year from the date of her separation from the service the Department of Agriculture, the Commissioner of Internal Revenue, and the Sixth Auditor each separately requested the Secretary of the Treasury to reinstate Miss Van Vranken with a view, in the case of the Secretary of Agriculture, to transfer her to his Department, and in the other two cases of assignment to duty in those respective bureaus. The request, as the minute recites, was pigeonholed by the chief clerk of the Treasury Department. The minutes say that "the one-year limit is suspended and on the principles of right and equity the reinstatement is allowed." This action was taken by Commissioners Procter and Harlow. I refer to that case because, as in the other cases, I see nothing in rule 9 that gives the commission any discretion to waive the year limit or to take into consideration any other fact than the length of time the persons have been out of the service.

Another case to which I would invite attention is that of Mr. Edwin G. Rose. My knowledge of this case began with Mr. Sullivan, of the Bureau of Engraving and Printing, who called me up by telephone and stated to me that there was a young man by the name of Rose who had formerly been an apprentice in the Bureau of Engraving and Printing, but had resigned something like three years ago on account of loss of health. During that time he had been on a farm, I think, in Virginia recuperating his health. He wanted to know if there was any possibility of his reinstatement. I stated to him over the telephone that the one-year limit in the reinstatement rule was explicit and that the commission had no power to waive it. Then he wanted to know if the young man could not enter the service again by examination, and I stated to him that he could, and told him when the next examination for apprentice boys would occur. On the same day, a little later than this, the young man himself came to my desk, stating that he had come from Mr. Sullivan for further information in reference to his ability to reenter the service. He then stated to me the facts which Mr. Sullivan had given me over the telephone, the general fact being that something like three years previously, as I remember, he had resigned his position as apprentice boy and had gone on a farm in Virginia.

His appearance excited my sympathy, and I took special interest in his case because he looked like a young man who was in bad health. I questioned him very closely to see if there was any possibility of his reinstatement, and if not, how he could proceed in order to become again eligible. I found that he was 25 or 26 years of age, and the age limitation for apprentice boys is 14 to 20. After going over the case and spending considerable time with him because of the interest that the situation excited, I stated to him that so far as I could discover there was no possibility of his entering that position again. He was barred from an examination on account of the age limit, and he was barred from reinstatement by the explicit terms of rule 9. Within a few days I found a minute in which it was stated that in the case of Edwin G. Rose, apprentice of the Bureau of Engraving and Printing, the commission would regard his discharge as a furlough, and the minute authorized the issuing of a certificate for his reinstatement. Minutes of December 27, 1897.

I have given four classes of cases in which the plain terms of rule 9 have been violated. There is nothing in the rule itself or in any other rule which relates to this subject which gives the commission any sort of discretion. The terms of the rule are not vague; they are very explicit; and every one of these cases, so far as I am able to discover, is a direct violation of the reinstatement rule.

The next facts to which I will call attention relate to promotions on the commission's own force. Up to June, 1897, the commission had no specific regulations governing promotions. I think it was in June, 1897, that regulations were adopted and a promotion board was organized by the commission, composed of Mr. Frank M. Kiggins, chairman; Mr. John T. Doyle, secretary of the commission and also secretary of the promotion board, and myself as the third member. Upon the occurrence of a vacancy the promotion board was requested to prepare the efficiency ratings and the register of eligibles on which the commission could act in accordance with its regulations. The board proceeded to prepare the statements of efficiency, and they were given to the secretary of the board, Mr. Doyle, to enter on a register and make certification of the three highest.

Subsequently the chairman of the board withdrew these efficiency statements from the secretary for some reason and gave them to the president of the commission, Mr. Procter. The commission took the matter up from these efficiency statements without waiting for a certification in the form required by the rules and practices of the office. The third man on the list and the fourth man obtained precisely the same grade, but the third man had been in the service two or three times as long as the fourth man, and the promotion board, acting in accordance with the rule which obtains in such cases, that priority of application shall decide priority of eligibility, had no difficulty in determining which of these should be third on the list and which should be fourth.

The third man on the list was an old soldier, Mr. F. H. Wagner. He had a good soldier record. He had a State certificate as a teacher for the State of Pennsylvania. He had passed the bookkeeper register of the Civil Service Commission, was transferred to the commission because of that fact, and has made a good record with the commission.

The fourth man on the list, Mr. Ricketts, had been in the service a much shorter time, as I remember it, only two or three years, and was a Democrat from Mr. Procter's own State. The commission promoted Mr. Ricketts.

As soon as the knowledge of that fact came out, the members of the promotion board, including myself, called their attention to the fact that Mr. Ricketts was the fourth on the list, instead of the third, and therefore was not eligible to this promotion. It would have been easy at that time to have changed the matter, because Mr. Ricketts chanced to be absent from the city and had no knowledge of the fact that he was promoted. The commission, however, did not rescind its action, and in view of this fact the promotion board held a meeting and prepared a statement of the facts, calling attention to the fact that Mr. Ricketts was the fourth on the list. This communication was signed by the three members of the promotion board and sent to the commission. The answer which was received was very curt, and the action of the commission remained unchanged.

There have been some other promotions that have excited comment within the commission, but as they were at a time when the commission had absolute discretion in the matter, they could not be said to have been illegal in any sense. I will mention only one of them:

Mr. George Risk was appointed from the French and Italian register on September 4, 1894, at a salary of $900. On November 1, 1894, he was promoted to $1,000; June 26, 1895, to $1,200; September 15, 1896, to $1,400, and June 1, 1897, to $1,600. Mr. Risk is a Democrat from Florida.

The next cases which I desire to cite relate to the transfer rule, which may be found on page 21 of the pamphlet which I have furnished. The features of the rule to which these cases relate are those found in section 2, on page 21. A reading of this section discloses the fact that there are four restrictions to a transfer. The first relates to the apportionment; the second relates to the question whether the class of work is the same or not; the third to the age of the person to be transferred, and the fourth to the question whether an examination would be required. I shall cite cases to show the violation of each of these four provisions of this rule.

The first case to which I will refer is that of Miss Jane Bruce, whose transfer from a copyholder in the Government Printing Office to clerk in the Post-Office Department was authorized by the minutes of January 3, 1898. The question, of course, is whether the class of work of a copyholder in the Government Printing Office is the same as that of clerk in the Post-Office Department. The record shows that Commissioner Rice voted against this transfer for reasons which were stated in the memorandum furnished by the secretary of the commission, from which it appears that both Commissioner Rice and Secretary Doyle regarded the transfer as not authorized.

In contrast with this I will refer to a minute of June 12, 1896, in which it is shown that the Attorney-General requested the commission to issue a certificate for the transfer of a railway mail clerk from the Railway Mail Service to the Department of Justice. The minute directs that the Attorney-General shall be informed of the fact that this transfer is not permissible under the rule on the ground that the work of a railway mail clerk is not of the same kind as the work of a clerk in the Department of Justice. His attention is, however, called to the fact by the minute that the clerk may be transferred from the Railway Mail Service to the Post-Office Department, and after a service of six months there he will be eligible to transfer to the Department of Justice.

In the one case, the work of a copyholder in the Government Printing Office is regarded as of the same character as that of a clerk in the Post-Office Department, and in the other, the work of a railway mail clerk is regarded as of a different character from the work of a clerk in the Department of Justice.

I do not know how to reconcile the action exactly; but a matron in the Indian service has been transferred to the position of clerk in the departmental service, and an adjuster in the mint to the position of clerk, etc.

The next case to which I will refer relates to the nonenforcement of the apportionment features of this rule. While there have been many such cases, the one to which I will refer is a very recent occurrence.

I became interested in a young man by the name of Mr. George K. Leet, who was introduced to me by a personal friend, his brother. He stated to me that he had been appointed to the position of stenographer in the navy-yard, this city, and asked whether it would be possible for him to secure a transfer to the departmental service. I told him and his brother at the time that I could not see how this could be effected under the rules. A little later than that, however, he came and stated that without any effort on his part or any knowledge he had been notified to appear at the Department of Agriculture and undergo a test to see whether he could fulfill the requirements of that Department as a stenographer. He appeared there, and his efforts seem to have been satisfactory, for he stated to me that a requisition had been made, as

he was informed, for his transfer. He stated also that the clerks of the commission had held it up because of the apportionment rule.

Mr. Leet is a legal resident of the District of Columbia, and, going from the nonapportionment service to the apportionment service, the apportionment features of this rule should have been enforced. He asked me if there was anything that could be done about it, and I stated to him frankly that while personally I would be very glad to see him transferred to the departmental service and obtain a much better position, I could not see how it could be done. However, it was done, as I learn from the minutes of January 22, 1898.

Another case to which I will refer is that of Bert W. Andrews, whose transfer was proposed from the Bureau of Animal Industry to clerk in the Treasury Department, in which the question of apportionment again arose. The minutes in reference to this contain long briefs by each of the three Commissioners. Briefly stated, Mr. Procter's position, as I understand it, was that transfers might be allowed whenever a State had not received its full quota of the last apportionment. Commissioners Harlow and Rice, on the other hand, took the ground that they had no authority to allow a transfer when the State from which the individual was to be transferred was not next in line for an appointment to the same position. Two Commissioners voted against this transfer and one in favor of it. Minutes of December 14, 1896. The minutes of January 23, 1897, show that the certificate for this transfer was authorized on the statement of the Department that Andrews—I quote—"has a knowledge of law which will be useful in the position to which transfer is proposed."

Another case to which I will refer of the same character is that of D. G. Cheesman, clerk at the San Carlos Indian Agency, whose transfer was proposed to the position of clerk in the Treasury Department. In this case, as in the one just cited, long opinions were rendered on the apportionment question, the commissioners dividing as in the previous case; and the result of the discussion was that the transfer was disallowed December 23, 1896. January 12, 1897, the minutes show that the transfer was allowed. It was alleged that reasons in the interest of the public service existed for the transfer.

Recently a clerk has been transferred from the Interstate Commerce Commission to the position of fourth assistant examiner on a law examination. The last proviso of section 2, rule 10, relating to transfers, indicates very plainly, as I understand it, that the examination to be given in such a case is the examination which would be given for original entrance to this position. There is probably no position in the Government service in which the metes and bounds of the position and the examination are better fixed than in the case of fourth assistant examiner. If a law test were required as supplementary, it would have seemed to me as if at least the person to fill that position should have passed the entrance examination, which I understand he was not required to pass.

In February, 1897, a request was made for the transfer of Mr. Degges from the position of usher at the White House to that of clerk, I think, in the Interior Department. It was decided that an examination was required, the position of usher and that of clerk being different in grade. Mr. Degges made two efforts to pass the examination and failed in both cases. The daily papers in recording transfers recorded the fact that Mr. Degges was transferred to a position of $1,200. I am not able to give the committee any further information in reference to that case, but I state the case just as it has come to my knowledge.

The next things to which I wish to call attention relate to certifications, and, first of all, to so-called home rule. Rule 8 relates to certifications, and section 8 of that rule contains the only authority, so far as I know, for what is now familiarly termed the home-rule principle. The body of section 8 provides that "for filling vacancies in positions outside of the District of Columbia," some of which are specified here, "the territory of the United States shall be arranged in such sections or districts as the commission may determine;" and further this part of the section provides that "an eligible shall be certified, in his order, to vacancies in the section or district in which he resides, and upon his written request to vacancies in any one or more of the other sections or districts."

It will be noticed that the commission has the power to district the territory of the United States, and that in case they do that "an eligible shall be certified"—the language of the rule is mandatory—"in his order" to a vacancy within his own section or district, and if he requests it, that he shall be certified to positions in other districts.

I shall not attempt to cite cases to cover all of these, but will say that, so far as I can see, almost the entire home-rule action of the commission has been in violation of this section of the rule. I have read it carefully and analyzed it the best I could, and I can discover no authority for the general course of the commission in reference to that rule. In other words, when an eligible asks to be certified in any other than the district in which he resides, I do not see how the commission, under this rule, can refuse him such certification. And yet I suppose no one will question that that is being done continually.

The proviso of this rule makes an exception in the case of custom-houses, post-offices and internal-revenue districts, and states that an eligible shall be certified only to vacancies in the customs districts where he was examined, not where he resides. This takes from him the privilege of requesting that he be certified to any other place than the one at which he was examined. Recently the commission has consented to allow the Post-Office Department, in making the first selections for carrier service in newly classified post-offices, to pass over the names of persons who do not reside in the place where the work is to be done. I notice Mr. Procter stated yesterday that it was an understanding with the Department that the names of persons so passed over should remain on the register during the period of one year, the period of eligibility, for any future certifications. That can not disguise the fact that at the time when there was a vacancy and a possibility of a man's acquiring something to which the rules entitled him he was deprived of that privilege by the action of the Department and the commission.

There is a case also in the internal-revenue service bearing on this same subject to which I would like to call attention. It appears that an applicant from Springfield, Ohio, went to Cincinnati and took the examination for the internal-revenue service and he became eligible. His name remained on the register.

The CHAIRMAN. What was the name of the applicant?

Mr. BAILEY. Although I have known the name of this party, I have forgotten it, and not being allowed to refer to the record I am unable to give the name. He stood within reach of the first certification, and the collector at Cincinnati, through a United States Senator, ascertained this fact. Subsequent, however, to his ascertaining this fact a new examination was held and new names were entered upon this register. I beg a little pardon, because I have confused the man he wanted with

the man who took this examination. The man about whom inquiry was made was found to be within reach of the first certification before the second examination was taken. The second examination was taken and marked, and among the eligibles was this man from Springfield, Ohio. A request was made by the collector at Cincinnati for a certification. The certification was made, and the man whom he desired to appoint was not on that certification. This led to inquiry, and the explanation that since he had looked into the state of the register new names had been entered thereon which lowered the rank, the relative rank, of the man about him he was inquiring. The collector selected one of the three persons whose names were on that first certification, and after doing so, thus removing one name, the man he wanted was still fourth on the register. It was ascertained, however, that the man from Springfield, Ohio, was third on the register, and by an application of the home-rule principle to this case his name was taken off the register and the fourth man was thus reached and certified, and, as I understand it, appointed. Now, there is not any question——

The CHAIRMAN. Do you say that this was done at the instance of a United States Senator and the collector?

Mr. BAILEY. The correspondence shows that the collector made inquiries on that subject, and that it was to ascertain the standing of this particular man, and that this was the man they desired to reach. I have already called attention to the fact that there is absolutely nothing in section 8 of rule 8 to give the commission any such power; but, on the other hand, it is specifically stated that a man is eligible only in the district where he was examined. In other words, the Springfield, Ohio, man was eligible only to Cincinnati, Ohio, and he could not under the rules be made eligible at Springfield.

The CHAIRMAN. Can you give the date of this transaction?

Mr. BAILEY. It is within sixty days, but I can not locate it nearer than that. I think it is within thirty days.

Another case to which I would call attention is that of an instrument maker called for for service in the Coast and Geodetic Survey. However, I will state a fact before I state that. A young man came to the commission to inquire about the position of instrument maker, and Mr. Bushby, the chief of the certification division, brought him to my desk in order that we might together give him the information which he desired. We stated to him that there was no regular register for the position of instrument maker, but in the event of the occurrence of a vacancy a special examination would be held to fill the place.

The young man seemed irritated at this, and said he would attain the situation without such formality. In a little while a request came for such an examination, coupled with a request for the temporary appointment of this same young man. The request was granted, as it could be lawfully under the rule, there being no register. The commission then announced an examination for this position and fixed a date for closing the receipt of applications. The examination provided was not scholastic, but was an experience examination. Three persons applied for the examination, all of whom passed, and a certification was made in due form. It then appeared that the young man who was temporarily occupying the place had not applied. It appeared from conversations with myself and Mr. Bushby and in the office that he was under the impression that he could remain without applying. At all events, this seemed to be the fact.

When, however, it was ascertained that a certification had been made and his name not included, he at once commenced an effort to change

the situation. The president of the commission then directed that his application and form 394, on which he proved his ability, should be accepted by the commission and his name entered on the register of eligibles. This was done without reannouncing the examination or giving other persons who might desire a similar privilege the opportunity to enter the competition.

The CHAIRMAN. Do you mean he was put there without examination?

Mr. BAILEY. No, sir. There being no scholastic examination, he simply——

Mr. PROCTER. Registration.

Mr. BAILEY. A species of registration. He filed his ordinary application and form 394, on which he proved his experience.

The CHARMAN. Did he file it within the limit?

Mr. BAILEY. He did not. This took place not only after the date fixed for the receipt of applications, but after the certification had been made.

The CHAIRMAN. Were there any names on the list besides his?

Mr. BAILEY. Three names of persons who had complied with the conditions and——

The CHAIRMAN. What was the result?

Mr. BAILEY. The Department sent back the original certification, stating that two persons on that certification had formerly been in the service, and they did not desire to reemploy them.

The CHAIRMAN. What do you mean by that? Did they simply allege as a reason that the persons had formerly been in the service, or that they were incompetent when in the service theretofore?

Mr. BAILEY. So far as I remember there were no allegations of their incompetency, but as that is a matter of record, the correspondence being on file, I would not speak with any positiveness about it. I simply can say that there were no allegations of physical or moral dereliction that would warrant the exception in their cases.

The CHAIRMAN. Give the names of the parties?

Mr. BAILEY. I can not.

The CHAIRMAN. Can you not give the name of the young man who was finally appointed.

Mr BAILEY. No; I can not.

The CHAIRMAN. Why?

MR. BAILEY. It happened some months ago, and handling so many cases it is very difficult to keep the names in mind. As I have previously stated to the committee, I was forbidden to verify my memory in any of these cases by reference to the records.

The CHAIRMAN. Can you not give the date?

Mr. BAILEY. It was about three months ago.

Senator HARRIS. Your memory seems to be very complete with regard to a great many details concerning the transaction, the different steps. Do you mean to say that these are not found in the records; that you have not access to the records giving all the various steps that have occurred in these different transactions?

The CHAIRMAN. Senator, I will state for your information that Mr. Bailey has testified that the commission has forbade him to examine the records.

Senator HARRIS. He says that not being allowed to get at the records is the reason why he does not remember the name. I merely want to know whether he is trusting to his memory with regard to all these details.

Mr. BAILEY. I am trusting to memory with regard to the other

details. They are for the most part, however, matters of record, except the part which relates to myself. It is very much easier to remember incidents and events than dates and names.

Let me say, first, that the rule requiring selection from a certification made is mandatory. Section 2 of rule 8 says: "Of the three names certified the nominating or appointing officer shall select one, and if at the time of selection there are more vacancies than one, he may select more than one name, unless otherwise directed by the commission."

That is a mandatory rule. The only way under the rules by which an appointing officer can refuse to select is the provision in section 4 of rule 8: "If the appointing or nominating officer shall object to an eligible named in the certificate, stating that, because of some physical defect, mental unsoundness, or moral disqualification, particularly specified, said eligible would be incompetent or unfit for the performance of the duties of the vacant position, and if said officer shall sustain such objection with evidence satisfactory to the commission, the commission may certify the eligible on the register who is in average percentage next below those already certified in place of the one to whom objection is made and sustained."

There was nothing in these allegations, so far as I could discover, that brought the letter of the department within the provisions of this section, but even if the objections were sustained, the proper method would seem to be to have readvertised the examination and given opportunity for other persons who might desire to enter the competition.

I desire next to refer to a practice which has grown up under the present commission, but which, so far as I am aware, did not previously prevail. I refer to the right which is now exercised of going down on a register below the three highest names and selecting persons who have certain special qualifications which were not made a specific part of the original test.

While this practice has grown up in reference to a great many registers under certain conditions, it is best illustrated and most practiced on the skilled laborer register. When the Government Printing Office was classified, conferences were held with representatives from that office to determine what registers should be established. Registers for the different trades were agreed upon and the kind of examination which should be held for each. In reference to a large number of places, such as stitchers and folders and press feeders, it was contended that it was the practice of the department to fill the places often by inexperienced persons and it was believed that any test which would determine their relative merit would be satisfactory. Hence, no credit was given for experience and no condition was imposed debarring persons who had never had experience in the Government Printing Office from competing.

During the latter part of Mr. Benedict's administration the commission wrote a letter to him, stating that if he desired to select only persons who had had experience in certain lines in which the vacancies existed, the commission would grant such privilege. As this was near the close of the administration, I think it was not done by him. He did not avail himself of that privilege. But when the new administration came in advantage was taken of this opportunity, and since then the practice, I understand, has become almost universal, to pass down on the register and select persons who allege special qualifications other than those required by the examination. In my mind it is not a question whether it is necessary to obtain persons of experience, but as to the application of the rules.

I can not find any authority in the rules for any such practice. If it is necessary to have persons of experience it would seem to me as if that fact should be recognized in the examination. Either some credit should be given for experience and then persons rated relatively, taking that into consideration, or persons who have never had experience should be barred from the examination. When applicants come into competition with a view to being eligible to the Government Printing Office on terms that the commission itself prescribes and they attain an eligibility which brings them within reach of certification, it seems to me as if they have under the rules a right to such certification.

Senator HARRIS. In going down over the list and considering the special requisite of experience, is outside information taken to arrive at it, or is it based upon anything that is of record in the application or in the examination anywhere?

Mr. BAILEY. It is based upon statements made by the applicant in his application, or what we call personal questions in the examination.

Senator HARRIS. Then the experience or whatever extra qualifications you say are required are based upon matter of record?

Mr. BAILEY. Yes, sir; but it is a matter of the applicant's own statement, unsupported by vouchers in this case. There may be other cases in which that principle——

The CHAIRMAN. Why do they not put him at the head of the list in the beginning?

Mr. BAILEY. The competition is based upon the examination, and neither in the commission's manual, nor in the list of subjects, nor in any other literature put forth by the commission in reference to the skilled laborer examination is it stated that persons who have had no experience will be discriminated against. There is no notice of that fact given. It has no recognition, but on the basis of the competition as the commission originally arranged it, and as it stands in the announcement, the persons who go to the head of the register are entitled to the first certification.

Senator HARRIS. That is the rule?

Mr. BAILEY. That is the rule.

Senator HARRIS. Do you consider the personal statements in making up the list; do you read them over and consider them?

Mr. BAILEY. No, sir. They are entered on the list according to the average they attain. The first persons on the list may or may not have had experience, but when the department, for instance, calls for a press feeder, the certification clerk passes down the list until he comes to the name of one who claims to have been a press feeder.

Senator HARRIS. In giving their relative rank, experience, which the applicants may have stated or may not have stated, is not considered at all?

Mr. BAILEY. Not at all.

Mr. PROCTER. There are several classes of people on this same register—press feeders and folders and stitchers. Unless you make up three registers, it could not be arranged in this way——

Senator HARRIS. It seems to me that experience is an amount of capital which is of value to a man, and that as between two men competing, no matter what the position is, the one having experience certainly has an advantage over the other and should be entitled to credit for that.

Mr. PROCTER. So the commission thinks.

The CHAIRMAN. I think great weight should be given to that in the examination.

Mr. PROCTER. You can not put the experience of a press feeder alongside of the experience of a folder.

Senator HARRIS. No; but you can put the experience of one folder alongside that of another.

Mr. PROCTER. Exactly; and that will be done in the spring examinations.

Mr. BAILEY. My contention was not in reference to the advisability, of making appointments to the Government Printing Office partly at least based on experience, but it is that there is no authority for the present practice, and the practice indulged in in one place grows into other places, and has grown until it works great injury.

Senator HARRIS. I was going beyond what you were saying in order to arrive at an essential fact in the classification.

The CHAIRMAN. When the examinations were given to the applicants did they understand that the three highest would be certified?

Mr. BAILEY. Yes, sir.

The CHAIRMAN. And they took the examination with that understanding?

Mr. BAILEY. Certainly. In order to leave no doubt on this question, before I pass from it I want to read the first few lines of section 1 of rule 8:

"The appointing or nominating officer shall request certification to him of the names of eligibles for the position vacant, and the commission shall certify to said officer from the proper register the three names at the head thereof."

The rule is mandatory—they shall certify the three names at the head thereof. That applies to the skilled-laborer register and to every other register of the commission.

Senator HARRIS. In the rules I find a statement, section 156, page 50:

"For positions in the Government Printing Office experience will be marked on the following scale: Five years' exprience, 70; six years', 75," and so on.

Does not that have some relation to the matter of which you speak?

Mr. BAILEY. None whatever. That relates to trades in the Government Printing Office and does not and never has applied to the skilled-laborer register.

Senator HARRIS. It says particularly here: "skilled-laborer examination, Government Printing Service."

Mr. BAILEY. You understand that the skilled-laborer register is for all services, and while that language may be misleading, if you will turn to the skilled-laborer examination and read the subjects and weights, you will find that experience is not taken into consideration. An index in the back of the book will refer you readily to the skilled-laborer examination and the subjects and weights.

Mr. PROCTER. The language, you can see, is mandatory.

Senator HARRIS. Certainly. I do not see how it can be avoided.

Mr. BAILEY. If Mr. Procter were on the witness stand I should ask him whether it is applied to the skilled laborer examination.

Senator HARRIS. I understood you to say that there was nothing in the rules requiring it.

Mr. BAILEY. That is not the rule. That is the manual of information.

Senator HARRIS. Oh, well; all this may be considered rules.

Mr. BAILEY. But the point I make, Senator, is that that language is in fact misleading if it is understood to apply to the skilled laborer register. If I am mistaken about that, it is very easy to correct me. The gentlemen are all around me here who know the facts. Mr. Procter himself knows it if he chooses to state.

Mr. PROCTER. I suppose an opportunity will be given me later.

The CHAIRMAN. Yes; for the fullest statement.

Mr. BAILEY. I will state of my own knowledge that up to this time xperience has not been considered in grading persons whose names re entered on the skilled laborers' register of eligibles.

About four years ago, in one of the appropriation acts, Congress nserted a proviso requiring a county officer's certificate to be attached o applications. The language of the law is given at the head of the ounty officer's certificate in the application blank which I have before ne, and I will read it:

"Hereafter every application for examination before the Civil Service Commission for appointment in the departmental service in the District f Columbia shall be accompanied by a certificate of an officer, with his fficial seal attached, of the county and State of which the applicant laims to be a citizen, that such applicant was, at the time of making uch application, an actual and bona fide resident of said county, and as been such resident for a period of not less than six months next receding."

The first case of which I am aware of a violation of this requirement as in the case of an applicant at Charleston, S. C. He had lived in harleston less than six months, but he had lived in the State—

Senator HARRIS. What is the name?

Mr. BAILEY. I can not give the name.

Senator HARRIS. What is the time?

Mr. BAILEY. I should say it was in the year 1895, but I can not give more definitely than that. However, I think Mr. Procter will member the case, and it is easy to verify this from the records.

Mr. PROCTER. Was it when Mr. Roosevelt was on the commission?

Mr. BAILEY. I am not sure about that.

Mr. PROCTER. I remember the case perfectly.

Mr. DOYLE A case occurred at that time..

Mr. BAILEY. It is quite likely that that was the case.

What I want to state about this applicant is that he had not lived c months in the county, and, therefore, under the terms of the act, ould not be eligible to the examination. The commission, however, t a precedent at that time for allowing a man to prove his residence the time he had been in the county in which he then legally resided, d also to supplement that with residence in another county in the me State. The matter is of minor importance, and I have mentioned only because it seems to me to fit into the general trend to which I ve referred of ignoring laws and rules and adopting practices which e not consistent therewith.

Senator HARRIS. You say the question there turns upon residence the county?

Mr. BAILEY. The law prescribes that he must show by the certificate a county officer that he has resided in the county in which he claims gal residence six months next preceding the date of his application.

Senator HARRIS. The law in regard to apportionment applies to the ates, does it not, and not to the counties?

Mr. BAILEY. I do not know, Senator, that that question would pply——

Senator HARRIS. It is apportionment among the States?

Mr. BAILEY. This is a law of Congress, and there is nothing said out apportionment. It simply prescribes the conditions of an appli- tion.

Senator HARRIS. The rules concerning apportionment also relate to e States, I understand?

Mr. BAILEY. It is true the apportionment is based on State lines and not county lines, but it is also true that Congress, for reasons which we supposed we understood at the time, passed a law requiring a county residence for the departmental service, and I suppose that law is binding on the commission. It is merely an incident, however, in keeping with other things which I am stating.

I desire next to call attention to the increase of special examinations, coupled with the provision for temporary appointments, which increases the opportunities to secure the appointment of persons whom the head of a department may desire to appoint. The rule for temporary appointments has been used, in fact existed, only in a part of the services prior to about two years ago, and its first extension to all the services was on May 6, 1896, when the new rules were adopted and new services were brought in.

At first the rule was more restricted than it was afterwards, but the provisions of the rule now are in substance that when there are no eligibles on a register the heads of departments, with the permission of the commission, may make a temporary appointment, not to exceed ninety days, which temporary appointment may be extended, and there is another provision that if it be impracticable to obtain a certification in time to meet an emergency, a thirty days' appointment may be made.

Instead of being the exception, this rule for the past two years has almost characterized the practice. It would be impossible for me, and perhaps for anyone else, without obtaining statistics, to say what part of all the appointments are first made temporary, but I am able to say of personal knowledge that the percentage is very large. The department can at any time secure a temporary appointment by requiring qualifications which are not tested by any of the existing registers. No matter how slight the extra qualifications may be, if they insist upon it, under the practice of the commission, they are entitled to a special examination.

The special examination increases the possibility of the person who enters the position by temporary appointment obtaining the place. All special examinations have a limited time of announcement and a limited announcement. Usually thirty days are allowed for receiving applications for these special places; the competition is, of course, reduced to the minimum; the number of applicants is always comparatively or almost always relatively very small, and the chances that the man who has received the temporary appointment may receive an average which will bring him within range of certification are very good. I have not any specific thing to say in reference to that fact, except to bring it out as one of the present tendencies which seem to me to be directly opposed to the general spirit of the law.

Senator HARRIS. Does that practice apply to all the departments, or to any one more than to others?

Mr. BAILEY. It of course applies to some more than others. It applies a good deal more to those services which have been newly classified and for which no registers have yet been prepared; but the same thing prevails to some extent——

Senator HARRIS. It would be absolutely necessary, where registers have not been prepared, to have a special examination?

Mr. BAILEY. Certainly. But in answering your question——

Senator HARRIS. That would not be an exception to the rule?

Mr. BAILEY. It would be perfectly legitimate under the rule.

Senator HARRIS. I desire to learn whence these special cases that are an exception to the rule chiefly come?

Mr. BAILEY. I do not know that I could say in those cases that it is any more from one department than from another All the departments avail themselves of this privilege to a considerable extent.

Senator HARRIS. Is the application for a special examination generally made with reference simply to one person, or does it generally include more than one?

Mr. BAILEY. The department makes a request of the commission for filling a certain vacancy, and specifies the qualifications required for that vacancy. If those qualifications are not tested by the examination for any register then in existence, it must be regarded as special and treated as special.

Senator HARRIS. What I want to learn is whether these applications, with the special requirements, generally come for one vacancy, or whether the department indicates a number of places.

Mr. BAILEY. No; for one vacancy. All these classes I am speaking of now are for a single vacancy. The department certifies——

Senator HARRIS. Then after thirty days' notice generally this applicant appears?

Mr. BAILEY. With others.

Senator HARRIS. With others who may have heard of it?

Mr. BAILEY. Yes, sir; the examination is held, and the three highest are certified; and it has frequently been a matter of embarrassment because the temporary appointee was not one of the three highest. In those cases the department complains that it has not been able to get the man it thinks best qualified for it, and the man who has acquired some experience.

Senator HARRIS. Even on the special requirement which the department specifies?

Mr. BAILEY. That often happens. I had not quite finished the point I was making when I was——

Senator HARRIS. I broke into your statement.

Mr. BAILEY. I was getting at this fact, which I think is worthy of consideration. I do not say anybody is to blame for it.

A large part of the work of the commission under these new conditions has been misdirected effort, and, as I say, I do not charge anybody with being to blame for it, but it is a condition that needs attention. Less and less are the departments now filling vacancies from regularly established registers, and more and more are they making demands for special qualifications, increasing the number of special examinations. I think the temporary appointment rule, as it is administered, rather tempts the departments to that very course.

Senator HARRIS. Is there no effort made, where application after application comes in with special requirements, to broaden the regular list, so as to cover that qualification which is called for by a department more often than once or twice?

Mr. BAILEY. I would not say too broadly that no effort is made, because the commission do make an honest effort to satisfy the departments from the registers, but they can not do it in a majority of cases, when the special qualification has not been considered in any examination which we have held.

Senator HARRIS. If a special qualification is called for and seems to be necessary in a department, is that not sooner or later included in the examination for that class of employees?

Mr. BAILEY. If it be for a class of places as you mention, regular registers would be established to meet the subsequent demands, but in many of the cases a single examination only will be held, and possibly

when a vacancy again occurs in the same position new requirements will be demanded.

Senator HARRIS. New and special qualifications are demanded?

Mr. BAILEY. Yes; I could give a case which I have in mind, quite a notable one, illustrating that, if it were necessary. I do not know that I will pursue this further, as I have so many other things which I regard as of more importance. I was merely calling attention to what seemed to be the trend of things.

Senator HARRIS. A growing practice?

Mr. BAILEY. Yes; a growing practice—the use of the emergency rule, coupled with special examinations, to the detriment of ordinary applicants. In the suggestions which I made to the committee I had one which would meet that case. That is what I have in mind at this time: By giving the first opportunity for competition to persons who have already proved their fitness by the basic examination.

Senator HARRIS. You think, then, it would be practicable to let those already on the list have an opportunity to show their fitness for the special qualifications required?

Mr. BAILEY. That is the general plan which has been in my mind. I would have in these various grades, examinations——

Senator HARRIS. When an application comes in from a Department for someone with a special qualification, is there no effort made to ascertain whether or not the three persons whose names are highest on the list possess the qualification?

Mr. BAILEY. Yes; there is some effort; but in case a special examination has to be held, persons who are already eligible on other registers are not given any preference, or any added opportunity, or any special notice to appear for such examination.

Senator HARRIS. They have the notice that all the others have.

Mr. BAILEY. The public notice.

Senator HARRIS. The public notice.

Mr. BAILEY. I have thought that there could be a scheme by which persons who are seeking employment and who have passed an examination from which no certification will ever be made, perhaps, should be given first choice in the special examination, to prove their added qualifications.

I wish to refer to the apprentice-boy examination only as an illustration of the vacillating course which has sometimes been pursued within the last few years, which has caused us considerable embarrassment. It was found necessary to have registers for apprentice boys. The age limitation was 14 to 20 years. The first order of the commission was that the register should be made up by registration without any examination—a time registration. The first boy who came was first registered and first certified.

After a time the commission directed, for what reason I never knew, and it is immaterial, that this form be abolished, and in its place they put the experience form of examination. The applicants were required to file on form 394—the same form which is used for a compositor or carpenter or any other trade—evidence of their age, physical qualifications, character as workmen, and experience. When this requirement was fixed by the commission attention was called to the fact that it was a misfit. The boys are applicants for positions in which they are to acquire experience and skill, but for which, presumably, they have neither experience nor skill.

When the applications began to pour in for this position and they were turned over to the board to be marked the examiners at once found

that it was impossible to grade the boys. They could not consider the age limitation and say one boy in age was better fitted for the place than another, because the limit was from 14 to 20. No one could say a boy of 15 was any better than one of 18 or 19. They were, for the most part, physically shown to be—any of them—capable of filling the place, so that no differentiation could be made on the question of physical qualifications.

As to character as a workman, they were seeking an opportunity to prove their ability in that line. Therefore, there could be nothing shown that would enable the examiners to grade them on that score. They had had no experience. Therefore, they could not be graded on that.

The attention of the commission was a number of times called to this fact, but no remedy was provided. In fact, the commission insisted that this should be the examination and the matter remained in that way for several months, the examiners being utterly unable to grade the applicants.

The question came up finally by the father of one of the boys coming to the commission and insisting that something should be done to enable his boy to become eligible to this position. The commission then directed me to prepare a plan of examination for apprentice boys, and acting in part on suggestions by Mr. Bushby, the chief of the certification division, and in part on suggestions in my own mind, I prepared such a scheme, requiring a mild scholastic examination, such as is required for printers' assistants in the Bureau of Engraving and Printing, and including also the filing of a statement by the applicant himself and by persons of his acquaintance showing whether he had developed any special skill in line with the place for which he was applying as an apprentice. This form was adopted by the commission. Within ten days the examination was held and a register was established, and, so far as I know, it has given satisfaction.

I wish to refer to the assistant microscopists' examination. When the Department of Agriculture first made requisition on the Civil Service Commission for the certification of persons eligible to the position of assistant microscopists in the Bureau of Animal Industry, it was stated that they wanted bright, capable, fairly well educated young women, but that no experience or scientific knowledge was required.

Acting on that statement, with the full knowledge of the Department of Agriculture, the commission answered all inquiries, and there were hundreds of them, as to how to become eligible to the position of assistant microscopist, by stating that persons must take the clerk-copyist examination. After this announcement had gone forth in hundreds of cases and many of the persons had filed applications for the clerk-copyist examination with a view to becoming eligible to the assistant microscopist position, on the request of the Department, in the midst of a series of examinations, the commission provided another test, on the use and care of the microscope, a very appropriate thing in itself, but very unfortunate that it came in the midst of an examination when applicants——

Senator HARRIS. You say the Department prepared that?

Mr. BAILEY. The Department desired it, and it was adopted at their request.

The unfortunate feature of it was that it was impossible to notify persons who had applied for the clerk-copyist examination, with a view to becoming eligible to the other position, of the added test. The

result was that the persons who had learned of the change and actually applied for the assistant microscopist examination became eligible, while those who had intended to become eligible were cut off.

A still further change was made a little later, not as I understand upon the desire of the Department, but on the urgent request of a Member of Congress, with the consent, however, of the Department. This also happened in the midst of an examination. The basis of the examination was changed from first to third grade, the first grade being the highest of the clerical examinations, the third grade the lowest.

The outcome of these changes made in this manner was that persons who had tried to become eligible to this position found themselves side-tracked and others receiving the positions in their places. I suppose it was due to want of foresight in the matter, but it caused the commission a good deal of trouble, some of which was never cured, and some persons were deprived of positions they were seeking, or at least the possibility of getting such positions, by the vacillating course in reference to this examination.

I desire to call attention to another fact, and to cite one illustration in connection with it. I have noticed for the last two years a good deal more laxity in the manner of conducting examinations than formerly prevailed. The illustration which I want to give is this: In an examination in Kansas last year the teacher examination required parts of two days. One teacher requested of the local board permission to take the whole of the examination in one day, while the remainder of the class took the latter half of it on the second day. The board granted this permission. The examination was allowed to stand. The questions which were used for one competitor on the first day were used for the other competitors on the second day. The local board required a statement on the part of the person who had received the examination on the first day that she did not communicate any information to the persons examined on the second day. The question whether the examination was under due precautions depends on the reliability of that statement of the teacher. Such a thing as that a few years ago could not have occurred.

Senator HARRIS. Your point of the impropriety of that action is because of the opportunity it would give to the first person to communicate with the others?

Mr. BAILEY. And the possible advantage that the others might get. Tricks have been attempted on the commission which that would make possible to carry out.

Senator HARRIS. Do you think no precaution was taken to prevent that, or assurance——

Mr. BAILEY. There was an assurance on her part by an affidavit that she did not do it.

Senator HARRIS. Was it not shown that she left the city or the place where the examination was held?

Mr. BAILEY. No; not as I understand it; but even then I would contend that it was a very loose practice which would use the same questions on two consecutive days.

Senator HARRIS. Does the character of the subsequent examinations, held on the second day, throw any light on it; in other words, do they indicate by their superiority that any undue information had been given?

Mr. BAILEY. I could not say that has been the case. I do not think we could make any test of that kind.

Senator HARRIS. I thought perhaps it had been developed from the character of the examinations afterwards.

Mr. BAILEY. Not at all.

I conducted an examination for special examiner in Indianapolis, Ind., once, and found papers in possession of one of the competitors in that examination which he had received from a competitor in an examination in St. Louis on the day before. It proved that a different series of questions were used in Indianapolis from those used in St. Louis, and therefore he had no advantage. But it illustrates how competitors seek to obtain advantage, and may communicate the information which they get to others even in distant cities.

Senator HARRIS. It was carelessness or impropriety on the part of the local board in conducting the examination?

Mr. BAILEY. I think a few years ago the commission would have canceled the whole examination and required the competitors to take it over again, for fear that undue advantage had been obtained.

Senator HARRIS. It was the fault of the local board.

Mr. BAILEY. Yes, sir; the fact that it occurred was the fault of the local board. The fact that it was allowed to stand was due to the commission.

Senator HARRIS. Did the commission take no action to instruct the local boards as to such things?

Mr. BAILEY. Yes, sir. They were informed that it should not have been done.

Senator HARRIS. It should not have been permitted?

Mr. BAILEY. Yes. In still further pursuance——

Senator HARRIS. Of course there was some reason influencing the local board in making such an arrangement, I suppose, in the sense of convenience or economy to the applicant?

Mr. BAILEY. Yes, sir; the person who took it stated reasons why she desired it.

Senator HARRIS. In other words, it was not a naked, wanton violation of the rules?

Mr. BAILEY. Not at all. I do not characterize it as that. I simply mention it as one of a series of things showing methods which I think are open to objection.

Senator HARRIS. I was trying to obtain the relative proportion, the proper perspective to be observed.

Mr. BAILEY. I gave that instance because it happened to come to me as another illustration.

A few days ago I introduced a circular of the Engineer Department at Large showing the practice they have adopted since the commission turned the management of that service over to the central board. I want to call attention to one feature of the situation which I think is worthy of attention. I think it would be a very easy matter to introduce into the departmental service in Washington, through the methods which now prevail, a good many persons with nothing more than a noncompetitive examination through the channel of the Engineer Department at Large. For certain positions up to $1,200 the board may certify and the appointing officer may appoint—in fact, the board does not certify, but the appointing officer selects from the general register—persons without any scholastic examination. The circular which they have put forth shows that the appointing officer may require any special qualifications which he sees fit. In that way he may select an individual and that individual may file evidence that he possesses those qualifications and enter the service.

Once having entered the service and passed through the probationary period of six months, he becomes eligible, under certain conditions, and those conditions under the presest practice of the commission are very liberal, to transfer to the departmental service. Nothing would be required but a noncompetitive clerk examination, for instance. I can not see how the commission could prevent it, if the department saw fit to take advantage of the open gate to pass into the service a good many persons by merely a noncompetitive examination; in other words, to avoid the competition and work them in by what I would regard as a back door.

I have one more thing in this line, and then I have something more important. I thought I should like to give these incidents as illustrating present methods.

I presume it is known to the committee that just subsequent to the adoption of the new rules of May 6, 1896, some subsequent action was taken by the commission and the President classifying certain laborers in all the departments who were performing any classified duty. For instance, if a man whose name was borne on the laborers' roll was acting as messenger or watchman or elevater conductor or doing any clerical work provision was made for his classification. Those places up to that time had been outside the classified service, and it had been the practice to change the positions with each change of Administration to a considerable extent, so that most of the appointees were partisans, appointed under partisan influence.

After the adoption of the new rules I called the commission's attention to the fact that under the general rule for promotions these persons and all others occupying subordinate places below the grade of clerk could at once be passed up into the higher grades without any examination, and as the places were filled by personal appointments of heads of departments there was great danger that that would take place. The commission requested me to prepare regulations to cover that, and I did it.

The regulations were adopted on June 28. They required that persons must have served a six months' probation in these subordinate places before they would become eligible to promotion. Before the regulations were prepared the question arose in the commission whether efficiency should be allowed to the persons who were to take the examinations. The president of the commission, apparently with the sanction of the other members, stated very emphatically that he was not willing to allow efficiency; that he was determined that those persons should, if promoted at all into clerical positions, be promoted on tests quite equal to those required of others for original entrance to the service.

Of course it will be understood by the committee that when efficiency is allowed a very high rating is given by most of the departments, almost universally, and ordinarily a very heavy weight in the examination is given to it, thus giving persons who are allowed efficiency a very great advantage over those not allowed it. This was the position which the commission took when the regulations were adopted. Hence, the regulations made no provision for allowing efficiency.

On July 14 the examinations were ordered for July 28, 29, and 30. On July 25 the commission amended its regulations, stipulating that persons must have served two years before they were eligible to this examination—a very good provision if it had been brought in at first, but it created very great confusion coming in only three days before the examinations were to be held. The examinations were held on those

dates. The days were very hot, excessively hot. There was a great deal of confusion subsequently over the undetermined points. Most of the applicants had not filed their applications. The question whether they were actually classified or not had not been determined, whether they were classified laborers or unclassified laborers; and it was almost impossible to straighten out the examination with any satisfaction.

On October 10 the commission canceled the whole examination and ordered a new one. In December the new examination was held. January 11, after the examination was held, the commission directed that efficiency should be allowed, but not uniformly. It was ordered that persons who when brought into the service were engaged in clerical duty should be allowed efficiency. Persons of this class who were not engaged in clerical duty should be allowed efficiency only if they passed on the other portion of the examination without the aid of efficiency. That of course at once injected a new query—which of these persons were on May 6, 1896, doing clerical duty and therefore entitled to this efficiency.

This proved a question which was indetermined. In the case of two men working in the same office, and as they alleged, with the same duties, one of them attained a grade of something like fifty-five and the other a grade a little below that. One of them secured a certificate from the head of the Department that he was doing clerical work duty on May 6. The other one failed, although they alleged they were doing the same class of work. The one who got the lower average became eligible; the one who got the higher average on the basis remained ineligible and was not eligible during this period. Endless questions of this kind arose, and up to the very time the next examination was held complaints were numerous and the matter was never fully straightened out.

The next examination extended the right of efficiency to all the applicants. Three examinations for these promotions were held within fifteen months to reach that conslusion.

The next point to which I wish to direct attention is the fact that appointments without examination have been made, and before I state the facts on which this allegation is made I should like to call attention to section 7 of the law, which reads as follows:

"That after the expiration of six months from the passage of this act no officer or clerk shall be appointed, and no person shall be employed to enter or be promoted in either of the said classes now existing or that may be arranged hereunder pursuant to said rules, until he has passed an examination or is shown to be specially exempted from such examination in conformity herewith."

I should like also to read rule 4, section 2, bearing on the same subject.

"No person shall be appointed to, or be employed, in any position which has been, or may hereafter be, classified under the civil service act, until he shall have passed the examination provided therefor, or unless he is specially exempt from examination by the provisions of said act, or the rules made in pursuance thereof."

The CHAIRMAN. How much longer will it take you to conclude, Mr. Bailey?

Mr. BAILEY. I have one more general topic that I regard as very important. I can suspend for the present, if that is the desire.

The CHAIRMAN. I think we had better take a recess and meet at half past 2 o'clock.

Mr. PROCTER. May I make a statement covering just one minute before we take a recess?

The CHAIRMAN. We are going to meet in the afternoon. You will be given a full opportunity to cross-examine Mr. Bailey, and then you can make any statement you desire.

Mr. PROCTER. My statement will not cover more than a minute.

The CHAIRMAN. I think the course I have indicated would be the more regular way to proceed.

The subcommittee (at 12 o'clock and 30 minutes p. m.) took a recess until half past 2 o'clock, at which hour it reassembled.

TESTIMONY OF F. D. BAILEY—Continued.

The CHAIRMAN. Mr. Bailey, you may proceed.

Mr. BAILEY. Mr. Chairman, I had commenced to make statements in reference to appointments without examination. I had quoted section 7 of the law and section 2 of rule 4 bearing on the same subject, showing that after classification no appointments can be made in the classified service without examination. I perhaps would be ready to confess that in many of the things which I have presented this morning I might be regarded as a strict constructionist of the rules, and the question whether that method ought to prevail or a more lax method is a question of opinion. But it has occurred to me, in addition to what I have already quoted from the law and the rules, to refer to section 1 of rule 2, from which I infer that it was the intention of the president of the commission who prepared these rules to obey them; that is, the rules are to be construed according to their language and observed. This section reads:

"Any person in the executive civil service of the United States who shall willfully violate any of the provisions of the civil-service act or of these rules shall be dismissed from office."

The fact that such a provision was put in there confirms me in the opinion which I have always held, that the commission, of all persons and all bodies, ought to follow all the rules and the law very strictly. Many of the things to which I have referred if done by some executive officer in some of the departments would have been regarded as violations, and such officer or persons would undoubtedly have been called to account for it.

There have been during the past two years, but especially during the latter part of 1896 and the fore part of 1897, a very large number of appointments without examination. I am going to read now from the minutes of January 12, 1897. This minute approves of three appointments without examination or certification to the classified service of the subtreasury in New York, and adds this, which I quote: "In accordance with the practice which the commission has followed in other departments in similar cases, notably that of the Engineer Department at large." That is, these three appointments, which I have selected as samples, are made, according to the statement of the minute in accordance with the practice that the commission has established and followed in other departments, notably with reference to the Engineer Department at large.

Now, I am as liable as other man to err, but in all my connection with the commission I think I can say that prior to about two years ago there never was an appointment made in the classified service with the approval

of the commission without an examination, unless it be to an excepted place. The minutes of February 23, 1897, authorize a special examination for ship draftsmen to be held April 26, 1897, and direct that the Secretary of the Navy be informed that appointments made without examination must be temporary—the rest of this I quote—"unless the commission specially authorizes permanent appointments." The last phrase implies that in the minds of the Commissioners there was power to authorize appointments in nonexcepted places in the classified service without examination.

The minutes of December 28, 1896, refer to a letter of the Secretary of War, dated December 14, 1896, in which he requested that the temporary appointment of A. D. Davis, inspector of dredging, be made permanent in view of the fact that a register for this position has not yet been established. Approved: Commissioners Procter and Harlow acting.

In the minutes of December 30, 1896, three other appointments of a similar character are approved in the same way, all of the Commissioners being present.

Reference has already been made to the appointment of 15 steel inspectors in the Navy Department. The minutes of January 21, 1897, direct that a letter of inquiry be written to the Secretary of the Navy, to be taken in person by one of the Commissioners, calling for the facts in regard to the appointment of these inspectors. I had considerable personal knowledge in this matter and would like to state the facts as they transpired to my knowledge.

Mr. Peters, at that time appointment clerk of the Navy Department, came to my desk one day and stated that the Secretary of the Navy had found it necessary to appoint some steel inspectors on account of certain irregularities in the construction of the new vessels, and that the appointments needed to be made at once. He wanted to know if the rules would allow temporary appointments, and if in making those temporary appointments the steps which were taken could be such as would expedite the holding of an examination. I stated to him, of course, that this was a matter for the commission to consider; that, in my opinion, there could be no doubt but if the necessities of the case required it temporary appointments could be made, but as to the permanent appointments they were competitive places in the classified service, and it would be necessary for the commission to hold, in the usual way, a competitive examination after announcing it to the public.

Soon after that there appeared in the papers an announcement that some steel inspectors were to be appointed and the announcement invited applications. The conditions of the competition were stated—that is, the requirements of the position. I called the attention of the chief examiner, Mr. Serven, to this matter, and also spoke to the commission in reference to it, and I think he spoke to them. This minute was the outcome of that informal information which was taken to them. It was deemed advisable and necessary to make inquiry of the Secretary of the Navy as to these appointments. Early in February, or rather near the middle of February, an answer came from the Secretary of the Navy, in which he explained what had been done and transmitted all the papers in the case. The papers filled two large manila envelopes, such as we ship our question papers in. In these envelopes were some applications on the commission's form 304. There were many letters asking for information in reference to the examination, and there were other letters put together recommending certain persons who were applicants for this position.

There was also, as I remember it, a letter from certain persons acting as a board of examiners under directions of the Secretary of the Navy, explaining how they had proceeded in this matter. The substance of their statements was that they had invited persons to apply for this place upon receiving letters of application. They had in some cases transmitted application blanks, and in other cases, in which they considered that the letter of application did not indicate the necessary qualifications, they had not transmitted applications. I can not state the number of persons who wrote letters of inquiry and expressed a desire to become applicants, but if my memory serves me correctly it was something over a hundred persons.

The Department responded to only a small fraction of that number, thus excluding from whatever competition there was a good many persons who had expressed a desire to compete. The persons whose original letters impressed the Department most were given opportunity to file applications and also to file letters of recommendation, and these letters of recommendation accompanied the documents which were transmitted to the commission.

As soon as that package of papers came to my desk I regarded it of so much importance that I laid aside everything else, went carefully through all the documents, and, as was my duty to do, I made an abstract of the facts, a memorandum of the facts contained in the correspondence, and of the method of procedure which was prescribed by the board. I also called attention to the letter of the Secretary of the Navy in which he requested that the commission certify the 15 persons who had been appointed, and thus make their appointment regular.

I laid that package of papers with this memorandum prepared for the signature of the chief examiner on his desk. It was at a time when we were very much crowded with work. I called his attention to the importance of the case. But apparently misunderstanding, as he afterwards explained to me, he laid the package on the top of his roller-top desk, where it laid for several months. I occasionally called his attention to it, but he stated to me afterwards that he was under the impression that it was a large package of papers that someone would have to go through, that the memorandum had not been prepared, and he had not the time to attend to it. At all events, when his attention was finally called to the fact that it was all ready to transmit to the commission he signed the memorandum and sent it to the commission. Since that time I have never seen the package or the letters, and, so far as I know, the commission has taken no action in that case.

These are the facts, so far as I know them, in reference to the appointment of the 15 steel inspectors in the Navy Department without a competitive examination by the committee.

In closing this part of my statements I should like again to call attention to the fact that I have not attempted to make a statement of the number of appointments which were made without examination. I know that the number was very large. It may be said that the condition of the work of the commission was such that it was impossible to hold examinations for these places, and that it was useless to make temporary appointments because we would not be able to provide for the places within the limits of the temporary appointment rule. I do not know whether such an explanation will be made or not. It would seem to me, if it were made, that it would be an adequate explanation of the situation.

If the work of the commission was in such shape that it was necessary to make appointments without examination, it would be a perti-

nent question to ask who was responsible for the condition of things which made that possible.

Not long ago the commission was asked to state, I think to a committee of Congress, what the effect of a failure to make an appropriation for the Civil Service Commission would be, and among the answers to that question is a statement of the fact that if the commission were crippled, the law remaining as it is, no appointments could be made, because it would be irregular to make appointments under existing laws and rules without examination. It seems to me that the action of the commission in these cases to which I have referred would open the way for any irregularities of that kind in appointments which circumstances might make necessary.

Next, I desire to take up the matter of the extension provided for by the adoption of the rules of May 6, 1896. It is already a matter of evidence before this committee that in the preparation of the rules which were adopted at that time there was a proviso, which failed of adoption, to the effect that the rules should become gradually operative. I think Mr. Wales, who is knowing to the facts in this case, will bear me out in the statement that the suggestion of such a proviso originated with me; that he and I together worked over the form in which it should be presented, and that that form eventually underwent other changes, but that it became adopted as a part of the proposed rules. It was in the rules up to the last conference of which I have any knowledge that was held before the rules were finally submitted to the President for his signature.

I think it was the opinion of everyone who had any knowledge of these matters that that provision should be adopted. It was understood, in the conferences and conversations which were held in reference to it, that the President was very much afraid of so great an extension of the service, and that this provision was the one thing which reconciled him to the inclusion of all these places. I know the remark was made, and repeatedly made, too, by different ones, that in all probability it would take several years to provide for all the services which were being brought in at that time, and some estimate of the labor that would be required was made by a comparison with the services which had been previously included.

Before I state other facts in reference to this, I will call attention to the fact that the greatness of this extension, so far as the difficulty of providing for it is concerned, is not to be measured alone by the large number of persons classified or positions classified. It is true that this extension was about four times as large in numbers as any extension which had ever been previously made, the largest being at the close of the Harrison Administration, when the 550 odd post-offices were classified. In the case of the 7,000 cases brought in under Mr. Cleveland's first Administration, when the Railway Mail Service was classified, the positions were all of one character. Only a single examination had to be provided for those places. The entire Railway Mail Service is so nearly alike in its character and duties that there has never been but one examination for positions therein. So that all the commission had to do when the Railway Mail Service was brought in was, through its local boards in various parts of the country, to hold railway mail examinations and establish State registers. Yet it is within the recollection doubtless of the committee that the work was sufficiently difficult to call for the postponement of the date of classification, in order to enable the Commission to provide registers of eligibles to meet the demands of the service.

When Mr. Harrison made the extension to the free-delivery post-

offices, there again but a single kind of examination was necessary, and the character of that examination had already been determined, because there were already many classified post-offices requiring the same kind of an examination.

The commission acted in both of these cases with commendable promptness. I know that in the case of the classification of the post-offices which occurred at the end of the Harrison Administration I was sent out through Pennsylvania, Ohio, Michigan, Indiana, Illinois, and Iowa, in which States I visited forty-five cities in something like forty-two days, to organize boards of examiners, and I was absent in discharge of these official duties when Mr. Cleveland was inaugurated the second time. The commission had this board of examiners organized in a few months, and in most of the cities registers of eligibles established.

Now, this other extension was entirely unlike that one. I think I will be conservative in the statement when I say that there was probably as much variety of positions brought in, requiring as great a variety of examination in the extension of May 6 as in all the previous extensions put together. In other words, I do not think I am exaggerating when I say that in the thirty-one thousand places classified on May 6 there were brought in as many knotty problems to be solved, as many new registers to be established, as many new kinds of examinations to be provided for, as perhaps in all the other services.

At the time of this extension there were over four thousand sets of examination papers on hand to be marked by the central board of examiners. During the summer this number was reduced; but beginning with the fall down to probably the present time, although the board is now approaching the point at which it started, I do not think the number of papers on hand has ever touched that low level; in other words, I think that the number of papers has been constantly greater than it was at the time of that extension.

It is almost impossible to describe accurately the confusion into which the business of the commission was thrown, and in which it continued for six or eight months subsequent to the extension. Nearly all the regulations that were in existence prior to the adoption of the new rules, and very many of the precedents and practices, were of necessity changed. The new rules made new conditions, and these made necessary the adoption of new regulations or practices, which had not been previously mapped out or considered by the commission.

The amount of work of this kind to be done was so great that I do not know that I reflect any discredit upon the commission when I say that they were utterly unable to take up the business that pressed upon them and solve it satisfactorily. I myself, finding it necessary to provide for the fall examinations, prepared general regulations to take the place of those which had become obsolete, and before the commissioners commenced to go away on their vacations in June and July and August, I pressed these regulations upon their attention, telling them that there were some things in them of such vital importance that we could not provide for the fall examinations until the points were settled.

The CHAIRMAN. When was that? Was that in May?

Mr. BAILEY. This was in June following the adoption of the new rules.

The CHAIRMAN. The same year?

Mr. BAILEY. Yes; June, 1896. Instead of taking up the regulations consecutively and considering them, either adopting or amending them, they asked me to pick out of them the points that we must have abso-

lutely settled, and they would give us instructions in reference to them I did that to the best of my ability, and, in a way, they settled those points that were vital before the issuing of the next pamphlet of instructions to applicants.

No general regulations, as I have previously stated, have since then been adopted. It may be said that regulations have been adopted governing certain services, and that is true; but no general regulations governing the practice of the office have yet been adopted. It is my own opinion, and always has been, that they ought to be adopted; that there ought to be such regulations. I do not think the business of the commission can be successfully carried on and no cross purposes or inconsistent action taken unless the most conspicuous practices of the office are reduced to regulations, and those regulations govern as rules would.

The question was asked of me, and asked again of Mr. Procter, whether the commission had prepared registers of eligibles to meet this great extension. The answer has not been altogether consistent by the different persons who have spoken on the subject. I do not know that I will be able to throw light on it that will entirely satisfy the committee, but I will state the case as nearly truthful as I can.

In most of the services which had been classified previously registers of eligibles were established before the classification went into effect. That fact is notorious in the case of the Railway Mail Service, in which the date of classification was postponed in order to allow of the preparation of such registers of eligibles. It was, of necessity, the case also in regard to the classification of free-delivery post-offices, because, under a decision of the Attorney-General, a post-office did not become classified until an examination had been held; that is, the classification did not become operative until the examination had been held. Hence, no matter how long the examinations were delayed, the post-office was still able to make any necessary changes in the services until the examination was held.

Now, as to the preparation of the commission, it is true, I have no doubt, as stated by Mr. Procter, that there were 30,000 eligibles on the various registers. Those registers were prepared for other services. They were prepared for the custom-houses, post-offices, the internal-revenue service, and then for various positions in the Government Printing Office, and in the departmental service in Washington. It is true that many of the places brought in can be and are being filled by certifications from these registers. So far forth the commission was prepared to meet the exigencies. I notice, however, in the minutes of July 17, 1896, a statement that—and I quote this:

"The secretary"—

Meaning the secretary of the commission—

"Invites attention to the need of replenishing the following-named registers of eligibles, in view of the increased calls due to the extension of the classified service."

Then follows a list of eighteen registers, which needed to be replenished to meet the demands of the new services. The Secretary also asks for the establishing of new registers for fourteen services which are named—not fourteen positions but fourteen services, some of which required different kinds of examinations and the establishing of a variety of registers. This minute is dated July 17, 1896, and is therefore a little more than two months after May 6, the date of the extension.

One of the first services that was really organized under the new classification was the Life-Saving Service. The minutes of the com-

mission show that the regulations to govern the Life-Saving Service under the new classification were adopted December 29, 1896. So that the first service to be really organized under this new classification was not organized until December, more than six months after the date of the classification.

The first boards of examiners organized for the Engineer Department received their designations under the provisions of a minute of January 22, 1897. The circular of instruction to these boards was not issued, according to the best of my recollection, until the following March or April, and no examiners were sent out to instruct these boards of examiners until the next summer. So that before the completion of the classification of the Engineer Department at large more than a year had elapsed, although something in the nature of preparation had been made after the expiration of about eight months.

The classification of the Engineer Department, I have already stated, was not altogether satisfactory, and in order to satisfy the officers of that department the handling of its business was turned over to a central board.

The Marine-Hospital Service can hardly be said to be organized up to this time, although some examinations have been held. But up to about this time temporary appointments are still being made, because registers of eligibles are not provided.

I do not know that I care to go into any more elaborate statement in reference to the various services.

In the memorandum which I sent to Mr. Roosevelt will be found a tatement that was intended to be confidential and not to reflect upon he commission, but it has now become public, and the reason for it I wish to give. I stated that the commission would sometime take an action, and then amend it, and then rescind it. I gave this as an illustration of the confused condition of business and the vacillating course of the commission.

In the minutes of November 25, 1896, the promotion of S. I. Slack, curator in the museum, Post-Office Department, is approved. In the minutes of December 2, 1896, the action is canceled. In the minutes of December 8, 1896, the action is renewed.

The CHAIRMAN. Do the minutes give any reason for the different action taken by the commission?

Mr. BAILEY. No, sir. I have no doubt there were good reasons for it. I only mention the matter in substantiation of a statement which I made, and which had more significance than this reference to it would indicate.

I will cite another case. December 1, 1896, a minute was adopted allowing the subtreasurer in New York to make certain promotions and appointments. A few days later, the exact date I have failed to note, this minute was revoked. On October 7 and October 10 a similar action was taken and revoked.

Early in 1897 an effort was made to reorganize the commission. I do not care to comment upon the reorganization, but two features of it I would like to mention, because in some way or other my statements in reference to them have been called in question.

The commission, in the course of its reorganization, moved the certification division from the first floor of its building, which is occupied by the commissioners and the secretary, to the second floor, which is occupied by the chief examiner and his division, and located it in a room adjoining the chief examiner's room. There was attached to it, under the title certification division, certain records which pertained

to the chief examiner's division. Some question having arisen as to the propriety of making the certification division a part of the chief examiner's division, the commission postponed the settlement of that question, and made it for the time being an independent division, in charge of Mr. Bushby. Some months later than this a minute was adopted directing that thereafter the certification division should be under the control of the secretary. It was located adjoining the chief examiner's room, but was under the direction of the secretary. The minute made no exceptions, and this carried with it the records which pertained to the chief examiner's division. When the attention of the commissioners was called to this fact they did not adopt a minute, but they orally stated that the record part of the certification division should be in charge of the chief examiner. This has put the very amiable chief of division in the attitude of serving two masters, which he is doing as successfully as any man could do.

The other feature that I wish to mention relates to the correspondence division. An effort was made to make it appear that the correspondence was being cared for, and that probably my statements, which were not intended for reflection upon any one, were not justified. I have read the letters of three persons who wrote to Mr. Procter in response to his request, and I find that they say nothing which I could not truthfully say. The correspondence which comes to this division is well handled by capable men. The files are well kept. I notice that the secretary of the commission, however, after making statements which are true, puts forth also a statement which accords with my own views, that the number of files in the office should be reduced to the minimum; which was precisely the point which I was contending for.

An effort was made to create the impression that the difficulties which I mentioned did not exist. I stated that letters were liable to be filed in any one of six or eight places, and that when we came to search for a letter we could not be sure where it was filed, and therefore we had difficulty in finding it. Strange to say, three packages of letters, very important just at this time, have been searched for for more than a week and have not yet been found—corroborating entirely the statements which I made.

I do not think it profitable to attempt to defend myself to any considerable extent against statements of a personal character. I have served the commission faithfully and conscientiously as I could, and if the views of my ability and services which were presented by Mr. Procter are true, I am surprised and sorry.

I noticed he stated that the correspondence of the commission was taken away from me on account of my incompetency. His statement to that effect was the first knowledge I had of it. It is true that the correspondence has increased from the days when I did it all with my pen so that I could not even dictate it all now, and a large number of persons take a part in either dictating or typewriting the letters of the commission. It is true, however, that even down to the present time a very considerable part of the correspondence of the commission comes to me to be initialed, and that before letters are written in difficult cases the men whose duty it is to write the letters consult me as to the character of the letters to be written. I do not think I need to add anything to this statement.

More cutting, perhaps, to me personally than this attempt to belittle my position and abilities, was the characterization of me as a disappointed aspirant for office, seeking to air my grievances. I am not disposed to deny that I have the usual aspirations of a man who likes to

stand well among his fellow-men. I could deny more explicitly than I am disposed to do that I have been in any sense of the word an applicant either for the position of chief examiner or of Civil Service Commissioner. I will not deny that persons have talked with me on the subject, and at times I have thought, in view of the situation in the commission, that I might serve my country, and serve the cause which I love, with some degree of success. I am not disposed to make any statement that would indicate otherwise, or to make any apology for that fact in so far as it is a fact.

I do wish to state, however, that at the very time when I am accused of aspiring to a higher position, I was laboring to create a demand for an experienced man to enter into the service of the commission and help to right some of the wrongs which existed. That experienced man was not myself. I was bending my energies for the appointment of one who is more capable than I am and who has had a wider experience.

My memorandum to Mr. Roosevelt was dated March 5, 1897. I wish to read now a copy of a letter dated March 26, 1897.

The CHAIRMAN. To whom?

Mr. BAILEY. Addressed to the Hon. Joseph R. Hawley, United States Senator. It is as follows:

(Copy.)

MARCH 26, 1897.

Hon. JOSEPH R. HAWLEY,
United States Senator.

SIR: Referring to your recent remarks in the Senate in reference to the Civil Service Commission, I would like to make to you a personal statement, based upon my experience as one of the oldest employees of the commission. I ranked next in position to the late Major Webster, chief examiner, for nine years, and am still in the same position, being always acting chief examiner in the absence of the chief examiner. I state this merely that you may judge of my opportunities to be acquainted with the facts. Mr. Lyman was regarded by me, in common with all the employees of the commission, as the balance wheel of the whole institution. He was by all odds the most capable, judicious, careful, and conservative man who ever held the position of commissioner. His knowledge of the law, rules, precedents and practices, and his perfect familiarity with the needs of the public service, placed him head and shoulders above all others. Next to him ranked Major Webster. Within the brief space of less than a year the services of both of these men were lost to the commission, and in their places came new and inexperienced men upon whom fell grave responsibilities. Their very ignorance of the work made them venturesome. Of the present situation, as a result of these conditions, I do not feel at liberty to speak beyond the remark that it is deplorable. My object in writing is to say that in my opinion it is not only very desirable, but almost essential, to the welfare of the civil-service cause that Mr. Lyman be reinstated to his former position. I believe his experience would be of the very greatest value at such a time as this. This is simply my personal opinion, expressed without solicitation, because of my deep interest in the cause. My opinion is shared, I have reason to believe, by all of the subordinates of the commission. I trust you will not regard it out of place to address you on the subject.

With sincere regards, I have the honor to be, yours respectfully,

E. D. BAILEY.

The CHAIRMAN. Is that the letter which was referred to by Mr. Procter?

Mr. BAILEY. No, sir; that has not been referred to previously in this investigation, because no one had knowledge, so far as I know, of the writing of that letter.

In conclusion, Mr. Chairman, I should like to say that, beginning with my first appearance before your committee, and coupling the statements of to-day therewith, I have covered mainly four points:

First, that the great extension of May 6, 1896, without a provision to make it become gradually operative, was a grave and disastrous mistake.

Second, that the administration of the Civil Service Commission for the past two years has involved many violations of the law and rules and has resulted in greatly weakening their force.

Third, that the civil service law itself needs no amendment, because the Executive has ample power to correct abuses and improve the system.

Fourth, I have outlined some changes which I have thought were desirable, and I earnestly commend them to the consideration of the committee.

I am very much obliged to you for the patient hearing which you have given me.

The CHAIRMAN. Do I understand you to say that you do not think the law should be amended in any respect?

Mr. BAILEY. I do not see any necessity for amending it. The powers of the Executive are ample to make any changes which the exigencies of the times might require.

The CHAIRMAN. Mr. Procter, do you desire to cross-examine the witness?

Mr. PROCTER. Yes, sir.

The CHAIRMAN. You can proceed.

Mr. PROCTER. Mr. Bailey, do you remember the date of Senator Hawley's speech that you refer to in your letter to him?

Mr. BAILEY. I do not remember. I merely remember that——

Mr. PROCTER. It was prior to this letter of yours?

Mr. BAILEY. Yes, sir; just a little prior to it.

Mr. PROCTER. That letter was written on the 26th of March.

Mr. BAILEY. Yes, sir.

Mr. PROCTER. The speech was made some days prior to that time?

Mr. BAILEY. Yes, sir.

The CHAIRMAN. Last March?

Mr. PROCTER. Yes; March, 1897.

Mr. BAILEY. A little matter came up in the Senate and Senator Hawley offered some criticisms.

Mr. PROCTER. You are aware of the fact that when Senator Hawley made that speech he had a copy of the memorandum which you sent to Mr. Roosevelt?

Mr. BAILEY. I was not aware of the fact. I do not see how it possibly could be a fact.

Mr. PROCTER (producing a paper). I submit here, Mr. Chairman, a duplicate copy of that memorandum, which came from Senator Hawley. He did have that in his possession.

Mr. BAILEY. Mr. Chairman, may I see that copy for a moment?

The CHAIRMAN. Certainly.

[The paper was handed to Mr. Bailey and examined by him.]

Mr. PROCTER. Are you aware, Mr. Bailey, that a prominent civil-

service reformer in the city of New York had a copy of that memorandum also sent to him about the same time?

Mr. BAILEY. I have stated, Mr. Procter, previously that according to the best of my knowledge and belief I never sent that communication to anybody but Theodore Roosevelt, of New York. I have no knowledge of the fact that any other living person ever had it.

Mr. PROCTER. You have heard Mr. Roosevelt's statement, positively, under oath, that no one saw the copy sent to him?

Mr. BAILEY. I understood him to speak with considerable positiveness. In a letter to me on the subject he did not speak with the same positiveness. But even if he had, it is not, to my mind, material. So far as I personally feel about it, I do not care if he did make it public. His judgment was better than mine as to what use should be made of it. I sent it to him under a pledge of confidential treatment, and I have no doubt that he conscientiously treated it in that manner.

Mr. PROCTER. Mr. Bailey, if Mr. Roosevelt's statement is true, which he made positively, and which he repeated to me, that no one saw the copy which you had furnished to him, and if it be true that at the same time, in the early part of March, this copy which I submit here was sent to Senator Hawley, and a copy was also sent to a prominent gentleman in the city of New York (and I am informed that other copies were forwarded to other parties), then you were mistaken in the statement that you made, and which appears on page 635 of the testimony before this committee, when in answer to my direct question asking you if other copies were given, you stated:

"No, sir; there were no copies given to anyone. That is absolutely true."

You were mistaken in that statement, were you not?

Mr. BAILEY. No, sir; I was not mistaken in that statement. I am ready to say positively that I never gave a copy of that document which I sent to Mr. Roosevelt to any other living person, Senator or otherwise.

Mr. PROCTER. You state——

Mr. BAILEY. And I will add, if you will permit me, that I have absolutely no knowledge of the way in which that may have become, as now appears, somewhat public.

Mr. PROCTER. You state that the postponement of the classification to the Railway Mail Service was for the purpose of enabling the commission to get eligible registers, and that that system and that plan was proposed by you in the May-6 rules. Is it not true that the extension made to the Railway Mail Service enabled the Department to make between 1,900 and 2,000 removals and was the cause of a grave scandal, and might not that have been true if the same system which you advocated had been adopted when the May 6 extensions were made?

Mr. BAILEY. I have no doubt if the gradual classification which I advocated, and which I have always understood the Commissioners themselves regretted had not been adopted——

Mr. PROCTER. No; the commission has not regretted it.

Mr. BAILEY. If it had been adopted, I will say, I have no doubt that many changes would have occurred, and, I will add further, I have no doubt that very much of this opposition to the civil-service law and its administration would never have materialized.

Mr. PROCTER. Was not the decision of the Attorney-General, which you quoted, as to the time when a post-office became classified, made applicable to all offices?

Mr. BAILEY. No, sir; the reading of that——

Mr. PROCTER. I am not asking about the reading of it. Has it not been the practice of the commission since that decision to make it applicable?

Mr. BAILEY. Applicable to all services?

Mr. PROCTER. Applicable to a new office.

Mr. BAILEY. Applicable to a new post-office?

Mr. PROCTER. No; to any new office which became classified.

Mr. BAILEY. In so far as I am aware, that was a decision made under the rules which existed prior to the adoption of the May 6 rules. It could have no application to the new rules. And the decision itself is very restricted in its charcter, applying only to classified post-offices and conditions which are stated in the decision itself.

Mr. PROCTER. You stated that in two instances of the many promotions made by the commission in the past few years, one, Mr. Ricketts, was a Democrat from Kentucky, and that Mr. Risk was a Democrat from Florida. How do you know the politics of those men?

Mr. BAILEY. In the same way that you do, Mr. Procter.

Mr. PROCTER. I do not know them.

Mr. BAILEY. Well, I heard you say you did not know my politics, but you and I have certainly talked the matter over times enough.

Mr. PROCTER. I do not.

Mr. BAILEY. I knew you were a Democrat and you knew that I was not.

Mr. PROCTER. I know that you are not a Democrat, but I do not know what you are. May I ask what are your politics?

Mr. BAILEY. I am a Republican who believes in prohibition, in the prohibition of the liquor traffic.

Mr. PROCTER. Are you a Republican or a Prohibitionist?

Mr. BAILEY. The only Presidential ticket—in fact the only ticket—I ever voted was the Republican ticket.

Mr. PROCTER. I have never known until this moment whether you were a Republican or a Prohibitionist, nor did I care to know. Are you sure that Mr. Ricketts, who is now dead, was from Kentucky?

Mr. BAILEY. He is so classed.

Mr. PROCTER. I think the record shows that he was from Tennessee. I do not know where he was from, nor did I know his politics, nor do I know to this day the politics of Mr. Risk. This is the first time since he has been on the commission's force that I have heard the question of his politics mentioned. Do you remember that after the death of Mr. Ricketts you said, in a memorial service over his death, that you believed but for his faithful service to the commission he would have been alive at that day; that he died a martyr to faithful service?

Mr. BAILEY. I do remember that very distinctly. I have no desire to retract that. Mr. Ricketts was a very faithful, earnest servant. But I do not consider that Mr. Ricketts himself would ever have asked the commission to violate its own regulations and appoint the fourth man on the list contrary thereto.

Mr. PROCTER. Has not the commission the right to review the action of its own promotion board? Is it not the final judge? And did not the commission, in this instance, review it on the ground that you had given Mr. Wagner a rating for character of work which was not justified by either of the other members of the board or by the commission?

Mr. BAILEY. I have never heard that before. I never knew that the commission reviewed the action, certainly of one who stands well.

Mr. PROCTER. In the letter which you referred to this morning, were not substantially those facts stated?

Mr. BAILEY. No, sir; it was not. I do not think such is the fact, either. I will state further——

Mr. PROCTER. Do you believe that the commission have ever been influenced by political considerations in making any promotions?

Mr. BAILEY. I am not empowered to say what influences have operated.

Mr. PROCTER. You have given all through this testimony your belief. I ask for your belief.

Mr. BAILEY. I stated a fact. I did not attempt to interpret that fact. The fact remains.

Mr. PROCTER. But as you have been giving beliefs, do you believe that the commission, since I have been a member of the commission's force, has been influenced in the slightest degree by political considerations in promotions?

Mr. BAILEY. If I answer that honestly, I will have to say that the commission has had a leaning to certain persons, whether on account of their politics or otherwise, coming from the same section of the country and having certain relations to the commission, that gave them opportunities above their fellows.

Mr. PROCTER. Here I have a letter which was addressed by me to Hon. Henry M. Baker, House of Representatives, January 26, 1897. It refers to a speech which he made, in which the following language was used:

"The Civil Service Commission, as I have said, has entered no protest even against this carnival of plunder under the name of purification, and the commission itself and the organization of its subordinate employees are based upon political preference and divisions, so that promotions among its employees have been decided by the politics of the several applicants. In short, the Civil Service Commission itself does not in practice enforce the theoretical principles upon which it claims existence."

I will call your attention to the fact that a list of all the promotions made by the commission—the names of the persons, the dates of the promotions—was sent to this Congressman, and that the statement was made to him in this letter that—

"No question of political preference has in the remotest degree entered into the consideration of any promotion in the commission's force, and the commission desires to afford you an opportunity of showing the grounds you have for making such a charge." * * *

"As your statement is made in your official capacity in a public record, it is my opinion that you should embrace this opportunity to investigate the facts. If your statement is true, you should ask for an investigation by a committee of Congress; and if it is not true, you should retract it, in the interest of fairness and justice, as publicly as it was made."

Mr. BAKER. Mr. Procter, you will file the answer to that letter, please.

Mr. PROCTER. I will, if it is given to me.

Mr. BAKER. You have the answer. I sent it to you individually.

Mr. PROCTER. I wish to ask Mr. Bailey in regard to the promotions. I will read the list of promotions which accompanied the letter of January 26, 1897, to Mr. Baker:

Promotions, United States Civil Service Commission, January 1, 1895, to January 15, 1897.

Name.	Date.	From—	To—
Bartlett, C. W	May 1, 1896	$1,200	$1,400
Campbell, Charles D	Apr. 1, 1895	660	840
Do	Aug. 1, 1895	840	900
Do	Apr. 1, 1896	900	1,000
Chapman, Thomas P	Apr. 1, 1895	900	1,000
Do	Apr. 11, 1896	1,000	1,200
Gall, Fenton	May 1, 1896	900	1,000
Do	Sept. 15, 1896	1,000	1,200
Hiller, A. H	July 16, 1895	1,400	1,600
Huston, Wm. H	May 1, 1896	1,400	1,600
Leadley, George W	May 1, 1896	1,600	1,800
Pratt, P. W	Dec. 8, 1896	660	720
Risk, G	June 26, 1895	1,000	1,200
Do	Sept. 15, 1896	1,200	1,400
Roberts, R. W	Sept. 15, 1895	840	900
Do	Oct. 20, 1896	900	1,000
Saxton, H. N	Aug. 20, 1895	1,200	1,400
Searle, W. D	May 1, 1896	840	900
Seibert, E. G	Oct. 20, 1896	1,200	1,400
Strattan, R. R	Apr. 1, 1895	840	900
Do	June 26, 1895	900	1,000
Do	May 1, 1896	1,000	1,200
Walker, Frank A	Apr. 11, 1896	840	900
Do	Sept. 15, 1896	900	1,000
Wannamaker, Fred	Aug. 17, 1895	1,000	1,200

I will ask you, Mr. Bailey, if these are not gentlemen who represent all parts of the country and different politics, and that if in your judgment the promotions were not made along the lines of merit, and whether those gentlemen have not deserved that promotion?

Mr. BAILEY. Except the latter part, I have no objections to your statement of the case. I would not like to vouch for the fairness of all the promotions made by the commission, nor do I make any general accusation of unfairness. It is a matter within the discretion of the commission, as I stated before.

Mr. PROCTER. Have not all the promotions been made upon the recommendation of the immediate chiefs of these men?

Mr. BAILEY. Well, I may say as to that that you are better able to tell me than I am to tell you.

Mr. PROCTER. But so far as you know, then? Do you not know that it has been the practice of the commission in making promotions to be guided by the men under whom the different men were working?

Mr. BAILEY. I know this, Mr. Procter, if you will have it, that there has been very much dissatisfaction and a feeling that there has been favoritism in the office. Now, you may account for it as you have a mind to. I make the statement.

Mr. PROCTER. Dissatisfaction among the people who failed to receive promotion?

Mr. BAILEY. It is a pretty general feeling, especially in the two cases which I have mentioned. I do not go into a general accusation. I left it for you to make such an explanation as you saw fit. But I am prepared to say, as you press me, that such has been the feeling in the office.

Mr. PROCTER. Did Mr. Baker get this information about political promotions in the office from you?

Mr. BAILEY. He did not. I do not know Mr. Baker. I suppose it is not our good friend who sits here.

Mr. PROCTER. This is the Mr. Baker.

Mr. BAKER. The same man.

Mr. PROCTER. The same man.

Mr. BAILEY. I did not know Mr. Baker when he was in Congress.

Mr. PROCTER. I will call your attention to the fact that the statement made by Mr. Baker in that speech is very similar to the statement made by you this morning about political promotions.

Mr. BAILEY. Mr. Baker may be put on the stand and state whether he ever got information of any sort whatever from me, directly or indirectly, in regard to the affairs of the commission. I am prepared on oath to state that, to the best of my knowledge and belief, he never did.

Mr. PROCTER. Mr. Chairman, I think I can save time if you will allow me to make a brief statement and excuse Mr. Bailey from any further cross-examination.

The CHAIRMAN. It is entirely within your discretion. If you desire to make a statement rather than to cross-examine Mr. Bailey, that course is entirely agreeable to the committee.

Mr. PROCTER. I think it would save time. Wait a minute. I will ask Mr. Bailey one more question.

Under the practice which you advocated, which was, I think, in vogue when you had more to do with applications than you have now, it was possible for a person to move into a State and remain in that State for six months, and take the examination and be accredited to the quota of that State, while the practice which you advocate would have prevented the citizen who was born and resides in that State from entering the examination if the citizen had happened to move over a county line a few months prior to the examination. You are aware that that practice, notwithstanding you made the protest, was discontinued by Commissioners Procter and Roosevelt, because it was carrying out the intent and spirit of the law to give the people of the States an advantage over people who might move into the State merely to acquire residence there for the purpose of getting into the public service.

Mr. BAILEY. You ask me whether I am aware of these facts?

Mr. PROCTER. Yes.

Mr. BAILEY. In the first place, I have not advocated the one or the other. I regretted very much the adoption of that provision by Congress. When it became a law which would govern the commission and applicants, I believe the commission is under obligation to enforce it. I believe when they assumed to judge that it was a law working inequality they overrode the law. All I have contended for is the execution of the law when it is passed; and I believe the commission is just as much amenable to the law as any other citizens.

The CHAIRMAN. Mr. Procter, you can make any statement you desire.

Mr. BAKER. I ask that the reply to the letter which has been put in evidence may also be put in evidence.

The CHAIRMAN. If Mr. Procter has it, it can be put in evidence.

Mr. BAKER. The letter was sent to Mr. Procter, and I suppose it is on file. I ask that it may be made a part of the record.

TESTIMONY OF JOHN R. PROCTER—Continued.

Mr. PROCTER. Mr. Chairman, at the outset I wish to thank you and the committee for giving to the investigation this wide scope, and permitting everybody who has, as I stated some days ago, a grievance a

full opportunity to air it. You have heard a lengthy statement by a man who has been entrusted implicitly by the commission; who has had access to every file of the commission; who has had every opportunity to collect all information that might tend to throw discredit on the work of the commission, if anybody wished to do so. He has been given a full opportunity to make a statement and to cite the various cases. I am glad that he has not seen all of the files, for the reason that if he had had such access he would have left out some of the cases, and the commission would not have had an opportunity to answer them in public, and the gossip which has been going around for two years through the commission's force, and which has been disorganizing the force, and which has been going around through the city of Washington, and which has spread over the country, could not have been met. There is nothing I like so much as to compel my opponents, or the opponents of a system which I have at heart, to come out of ambush and to fight in the open.

Now, you know all of the cases in which it is claimed that the commission has violated the rules or the law. Fortunately the commission is in a position, and will cheerfully do so, to bring before your committee the file and the statement of every single case mentioned, and you will be given the full and complete data on which the commission based its action.

I will state now that I am perfectly satisfied that with the full data which will be furnished there is no member of this committee who would not have taken in each individual case just the action which the commission took. I am thoroughly convinced that that is the truth, and I will therefore ask you at as early a date as possible to recall me, when I will go over each case and give to you the full data on which the commission based its action.

As I said the other day, no transfer, no promotion, no appointment has been made except according to the rules and laws, as the commission construes them. In some instances we have probably placed a wrong construction, but if we have done so we are responsible to the President for our action, and he can take the proper course to correct it.

I will cite two cases to show what I mean, where the commission has reversed its action on transfers. Mr. Bailey, stated that Commissioner Procter was of the opinion that a transfer could be made, provided a State had not received its quota, and that the other Commissioners were of the opinion that under the rule as promulgated by the President a transfer could not be made unless the State was in the order of certification. There was some difference of opinion among the Commissioners about the construction of that rule. I took the ground that I believed the President wished a wide latitude of transfers in order to meet the requirements of the service, and that if the other construction was adhered to the combination would never be reached, and it would almost prohibit transfers from the services outside of Washington into Washington. The commission consulted with the President as to his construction of the rule; received his construction, and have adhered to it since.

I have not the memorandum that I took of several cases to which I wished simply to refer this afternoon.

The CHAIRMAN. You can hand it in later.

Mr. PROCTER. Then I will conclude by stating, speaking for the other Commissioners as well, that we are thankful for this opportunity

to meet in public the statements and to take up each case and show on what our action was based.

The CHAIRMAN. You will be given a full opportunity to do so.

Mr. PROCTER. Mr. Bailey made the statement that I had in the presence of the chief examiner told him he would not have access to the files. I think it is due to myself to state that I sent for Mr. Bailey, and as he had put a wrong construction on a former conversation I was not willing to trust myself to have the conversation with him unless I had a witness, and I sent for the chief examiner, who was present at that conversation. I told him that I wished the gossip to cease; I wished it stopped; that people would be running around the office in office hours; that his retention, his position on the commission, was determined by the quantity and quality and character of his work, and that if he wished to get any information it could be had through the proper channels; that the files of the commission were public property, but that it was not proper that a subordinate of the commission should be taking up the time of men during working hours, and running around and gossiping and disorganizing the force. His statement that I or the chief examiner indicated to him that the files would not be accessible to anybody and everybody who had authority to look at them, is unqualifiedly false.

The CHAIRMAN. Mr. Bailey, do you desire to ask Mr. Procter any questions?

Mr. BAILEY. Yes; I should like to ask him a few questions on this subject.

The CHAIRMAN. Inasmuch as he speaks with reference to yourself, you are entitled to do so.

Mr. BAILEY. Is it true, Mr. Procter, that you sent for me and that we had a conversation in the presence of the chief examiner?

Mr. PROCTER. It is.

Mr. BAILEY. How long did that conversation last, should you think?

Mr. PROCTER. Fifteen minutes.

Mr. BAILEY. Is it true that you stated to me that I would not be allowed to talk with the clerks on this subject?

Mr. PROCTER. I did not. I said that I did not wish the subject discussed in office hours.

Mr. BAILEY. What did you mean by telling me that?

Mr. PROCTER. Because I did not wish you to take up the time of the clerks, when it should be devoted to the work of the public, in gossiping about affairs before this committee.

Mr. BAILEY. You did tell me that I had no right to go to the files myself to obtain information.

Mr. PROCTER. I did not. I told you that you could obtain any information with relation to the commission through the proper channels.

Mr. BAILEY. What did you mean by "the proper channels?"

Mr. PROCTER. Make proper application through the heads of the different divisions or through the commission.

Mr. BAILEY. What would be the difference between my going and making that application in the manner you implied I was doing and the manner which you had in mind?

Mr. PROCTER. Because the office must be run on business principles, and subordinates have not the right to rush around in office hours and interfere with the work of other departments.

Mr. BAILEY. Did you have any knowledge of the fact that I was doing that?

Mr. PROCTER. I heard that you were doing it, and that the force, instead of being at work at their legitimate business, were gossiping and talking about matters; that they were taking up the time in discussing these matters when they ought to be at work.

Mr. BAILEY. The effect of your remark was to deprive me of the privilege, in the ordinary way, of obtaining information.

Mr. PROCTER. It was not at all. You were informed that any file in the possession of the commission was accessible to anybody.

Mr. BAILEY. What did you mean, after talking on this subject, by three times telling me that my situation with the commission, or my position in the commission, depended upon my own course?

Mr. PROCTER. I meant just what I said. You had given your evidence and, as I supposed, concluded it.

Mr. BAILEY. Then it did not occur to you at that time that that would have the effect of intimidating me?

Mr. PROCTER. Not in the slightest.

Mr. BAILEY. And making me fear the loss of my position?

Mr. PROCTER. Not in the slightest.

Mr. BAILEY. Did you at the time of that conversation state that you wanted to have the chief examiner present in order that I might not accuse you of intimidating me?

Mr. PROCTER. No; I wanted to have the chief examiner there in order that you might not misrepresent what I said.

Mr. BAILEY. It was not in your mind at all that I would interpret all this as an effort on your part to restrict my opportunities?

Mr. PROCTER. Not in the slightest. The chief examiner so understood it and you so understood it, and no such effort was made. I expressed to the chief examiner a desire that you should be given every opportunity; that I hoped the committee would give you a week, if necessary, to make your statement.

Mr. BAILEY. Did you make any such statement to me?

Mr. PROCTER. No; I did not. You understood——

Mr. BAILEY. Did you tell me to go ahead?

Mr. PROCTER. I have told you frequently that I wished everybody to tell everything they knew about the commission's work.

Mr. BAILEY. Did you remind me of the loyalty that subordinates owe to superiors?

Mr. PROCTER. I do not think I did. I supposed you understood that—loyalty owed not to superiors so much as to the work.

Mr. BAILEY. Did I say to you that I did recognize that duty of loyalty up to the time you made a personal attack upon me?

Mr. PROCTER. I do not remember anything about a personal attack.

Mr. BAILEY. Was not that referred to?

Mr. PROCTER. I do not remember the words "personal attack" at all.

Mr. BAILEY. Did you not say that I had no right to say you had made a personal attack?

Mr. PROCTER. What?

Mr. BAILEY. Did you not tell me that I had no right to call that a personal attack?

Mr. PROCTER. Possibly I did.

Mr. BAILEY. The whole conversation was about this investigation, was it not?

Mr. PROCTER. No; it was not about this investigation. The whole conversation was about you, because I was told that you were neglecting your work.

Mr. BAILEY. To get information?

Mr. PROCTER. No; not at all to get information, but that you were absenting yourself from the commission's room; that you were neglecting your work; that you were disorganizing the force. It had nothing whatever to do with your giving evidence.

Mr. BAILEY. But you commenced it, did you not, by referring to this investigation and to my testimony?

Mr. PROCTER. I commenced by stating that your status on the commission's force, so far as I was concerned, would depend on your doing your duty and earning the money which the Government was paying you.

Mr. BAILEY. Are you sure that you added "and earning the money which the Government is paying you?"

Mr. PROCTER. If I did not say it in words, I brought that point out. That was the point I had in mind.

Mr. BAILEY. Did you think you could by such a conversation as that restrict me in regard to conversation with the clerks, and in regard to my investigation of the records, and in regard to my own standing in the commission without having the effect on my mind of making me feel that I was in a very dangerous position?

Mr. PROCTER. On the contrary, I told you that your status with the commission would depend, as I said before, on your faithful and efficient work.

Mr. BAILEY. You did not think I would connect that with the idea of giving testimony here?

Mr. PROCTER. You had no right to connect it with any such idea.

Mr. BAILEY. I should like to ask you one more question. Has the question of my discharge from the Civil Service Commission been discussed by any of the Commissioners or between any two of the Commissioners?

Mr. PROCTER. I can not say that it has; but if it had I should refuse to answer the question, because it is a question which you have no right to ask.

Mr. BAILEY. It does not concern me at all.

Mr. PROCTER. It does concern you, but you have no right to question the conferences or to ask about the conferences that may be had between commissioners.

The CHAIRMAN. The chairman is of that opinion that if it should be as a result of his testifying before the committee, it would be competent testimony, and you would be required to answer, Mr. Procter—that is, if you were prompted to take such a course in consequence of his giving testimony here.

Mr. PROCTER. I would be required to answer the committee, but I would not be required to answer a member of the commission's force as to the character of conversations had between myself and another commissioner.

The CHAIRMAN. You do not understand. What I say is, that if in consequence of Mr. Bailey having been summoned as a witness before this committee, and having testified, the commission should decide to remove him, it would be a proper subject for this committee to investigate.

Mr. PROCTER. That is a matter for the committee to discuss.

The CHAIRMAN. Yes.

Mr. BAILEY. As I understand it, I stand here with the permission of the committee and its authority to ask any questions which the committee itself——

The CHAIRMAN. I will ask you the question, Mr. Procter, in order that the matter may be settled, Has the commission, in consequence of the fact that Mr. Bailey has been a witness here, considered the question of removing him from the force?

Mr. PROCTER. No, sir; it has not, in consequence of his being a witness here.

The CHAIRMAN. The commission recognizes the fact that this committee has the right to compel every member of the force to appear here and testify fully.

Mr. PROCTER. The commission appreciates that fact, and the commission owes you a debt of gratitude because you have given him this opportunity.

The CHAIRMAN. We do not put it especially in that light; but I take it that the committee has the right, under the law, to compel every member of the force to state any and everything he may know with respect to the matter, and that it should not effect his standing in the commission as a subordinate.

Mr. BAILEY. I have no further questions to ask at this time.

The subcommittee adjourned until Monday, February 7, 1898, at 10 o'clock a. m.

TUESDAY, *February 8, 1898.*

The subcommittee met at 10 o'clock a. m.

Present: Senators Pritchard (chairman) and Lodge; also Hon. John R. Procter, president of the Civil Service Commission, and Mr. John T. Doyle, secretary; Mr. G. R. Wales, Mr. E. D. Bailey, Mr. W. R. Bushby, Mr. F. M. Kiggins, and Mr. P. V. Bunn, of the commission; also Hon. Henry M. Baker, acting president of the National Anti Civil Service League.

CIVIL SERVICE COMMISSION.

The CHAIRMAN. Mr. Procter, do you desire to have the letter to Mr. Baker from which you read the other day mentioned in the record?

Mr. PROCTER. Yes, sir; I think it might as well go into the record. The statement appended has already gone in, I understand.

The CHAIRMAN. Mr. Baker has been handed by Mr. Wales a copy of the reply you sent him.

Mr. BAKER (examining). This is not the original letter; it is a copy, with a great many errors made in copying it.

Mr. DOYLE. I have the original here, and it can be compared with the copy.

The CHAIRMAN. We have not time to compare letters now.

Mr. BAKER. I suggest that you keep the copy and file the original with the committee.

Mr. DOYLE. Very well.

The letters referred to are as follows:

JANUARY 26, 1897.

Hon. HENRY M. BAKER,
House of Representatives.

SIR: At page 458 of the Congressional Record of January 5, 1897, you are reported as using the following language:

"The Civil Service Commission, as I have said, has entered no pro-

test even against this carnival of plunder under the name of purification, and the commission itself and the organization of its subordinate employees are based upon political preference and divisions, so that promotions among its employees have been decided by the politics of the several applicants. In short, the Civil Service Commission itself does not in practice enforce the theoretical principles upon which it claims existence."

Your attention is asked to the inclosed statement of promotions made in the force of this commission during the past two years, and you are invited to call at the office of the commission and make inquiry respecting your assertion that promotions have been decided by political preference. No question of political preference has in the remotest degree entered into the consideration of any promotion in the commission's force, and the commission desires to afford you an opportunity of showing the grounds you have for making such a charge.

You state that the commission has entered no protest against political removals. A copy of the eleventh report is sent herewith, and your attention invited to the reports of investigations of alleged violations of the civil-service law from March 4, 1889, to March 1, 1895, contained at pages 221 to 324. Attention is also invited to the statement at pages 19 to 21, that "in the departmental service during the present Administration, as also under the last Administration, promotions and reductions have frequently been made from political or personal considerations, with little reference to the merit of the employees." The new report, now soon to go to the printer, will contain information respecting the attitude of the commission on these questions to a later date.

As your statement is made in your official capacity in a public record, it is my opinion that you should embrace this opportunity to investigate the facts. If your statement is true you should ask for an investigation by a committee of Congress; and if it is not true you should retract it, in the interest of fairness and justice, as publicly as it was made.

Very respectfully,

JOHN R. PROCTER, *President.*

COMMITTEE ON THE JUDICIARY,
HOUSE OF REPRESENTATIVES,
Washington, D. C., January 29, 1897.

Hon. JOHN R. PROCTER,
President Civil Service Commission.

DEAR SIR: The words of my speech of December 22, 1896, quoted by you in your letter of the 26th instant, and to which you take exception, were not spoken unadvisedly.

They were uttered upon knowledge and information I then believed and now believe to be exact and true.

The references made by you to the eleventh annual report of the commission, for the year ended June 30, 1894, which you were kind enough to send me, are almost if not wholly inapplicable. You will note that, with the exception of the statistics credited to Mr. Lea, I confined my criticism of the conduct of the commission to its action in connection with the civil service in Washington. Your reference to pages 19 to 21 of the report do not touch the specific instances of misconduct stated by me, and the reports of investigations (pages 221 to 324) to which you ask my attention are all foreign to the charges made by me, with the possible exception of the cases of Mr. Gaddis (page 295) and of the printers' assistants in the Bureau of Engraving and Printing

(page 319). If you think the commission covered itself with honor in either or both of those cases you are welcome to all the comfort and glory they can afford you.

It seems possible that if the commission had been efficient that its reports need not be more than two years in arrears, as appears to be the fact. If those reports had been kept up to date I could have had the benefit of their latest words and claims. You will note also that the reports at the date of my speech were nearly three years and a half in arrears. So, if the report you sent me had in any respect been a reply to my statements, I should not have been blamable for not knowing its contents.

Please note that on page 458 of the Congressional Record, near the top of the first column, I am reported as having said—

"And, in the face of all these things, has anyone heard that we have a Civil Service Commission? Has anyone heard that any member of the present Civil Service Commission has at any time raised his voice, either officially or personally, to condemn these proceedings in the Departments? If anybody has heard it I would like to have him speak now."

Please also note that though I paused for a word in your behalf, no one arose to offer a defense or an excuse for your subserviency to the present spoils-seeking Administration. Even the chairman of the Committee on Reform in the Civil Service, to whom the commission has communicated so much, had no word of palliation or defense of your utter inefficiency in this regard.

You close your letter as follows:

"As your statement is made in your official capacity in a public record, it is my opinion that you should embrace this opportunity to investigate the facts. If your statement is true, you should ask for an investigation by a committee of Congress; and if it is not true, you should retract it, in the interest of fairness and justice, as publicly as it was made."

These words are, it seems to me, a fair sample of the assumption and effrontery which have thus far so generally characterized the commission, but I thank you most graciously for the advice, counsel, and instruction you so generously proffer. If you know anything of the matter you assume to instruct me upon you know that any resolution of investigation I might offer would be referred to the Committee on Reform in the Civil Service, and you further know that it would sleep there until the end of time. I freely confess that I have not the power to secure an investigation into the manner in which the civil-service law and regulations have been enforced. If I had that power it would be done, and, I doubt not, facts would be secured which would more than sustain every assertion in my speech. Hardly half has been told. Please note that in my speech I offered to furnish proof of my assertions if that committee would secure an investigation, and that I said, "I am prepared either while I am a member of this House, or afterwards, to put myself at the service of the committee and to produce proofs of what I have said here to-day."

So you will see that I have not and I do not now shrink from the fullest examination and investigation of all I said. The very five names displayed on the heading of the official paper of the commission, upon which you wrote me, are in themselves proof of the truth of some of the words you quoted from my speech.

The list of promotions you sent me, though incomplete both as to time and in details, is evidence in itself in my favor. I made my statement in regard to the promotions made by the commission from information

received from some of your clerical force, and I have corroborating information of a later date.

I presume the duties of civil-service examiners might appropriately be termed "expert" work. I am assured that those examiners are not specifically and especially examined to ascertain their especial fitness to pass upon the examinations of others.

If they have been so examined I should be glad to be informed when and where such examinations have been held and the names of your present examiners who have passed such an expert examination and the names of those who have not.

Upon reflection and investigation I am confident you will conclude that all my statements are substantially justified.

Very respectfully,

HENRY M. BAKER.

TESTIMONY OF JOHN R. PROCTER—Continued.

The CHAIRMAN. Are you ready to proceed, Mr. Procter?

Mr. PROCTER. Yes, sir.

The CHAIRMAN. All right.

Mr. PROCTER. Mr. Chairman, I stated, I believe, on Saturday last, that the commission would bring before this committee all of the files covering the cases referred to by Mr. Bailey in his evidence and would make a statement showing upon what the minutes of the commission were based in each one of the cases. I think it is to the credit of the commission's force and the methods in which the files are kept that in one day the commission has been able to search out all the files and make complete answers to 42 cases, covering a period of some years, and answer charges which it is evident Mr. Bailey has been months in preparing.

Mr. Bailey has in his evidence forcibly stated the very great difficulties under which the work of the commission was conducted. It had suddenly thrown upon it a vast amount of labor under the extension of the rules of May 6, 1896, which greatly multiplied the amount of work previously done. Under these circumstances, and owing to the pressure brought to bear upon the commission by the change of Administration, it is simply marvelous that there should have been so few, if any, cases discovered in which the commission could be justly criticised. Mr. Bailey, owing to his position in the commission, had the fullest opportunity of finding out any misdoing, if there had been any. The fact that the cases he mentions are all susceptible of adequate explanation is the highest tribute that can be paid to the thoroughness, zeal, and fidelity with which the commission has performed its arduous and difficult labors.

Mr. Bailey made his statement, as he said, in order to explain why he wrote the letter to Mr. Roosevelt on March 5, 1897; yet it will be observed that nearly all the cases which he cites as showing laxity on the part of the commission did not arise until after March 5, 1897, and one or two of the very few he did cite were cases which arose when Mr. Roosevelt and Mr. Lyman were members of the commission. Therefore the cases which he cites could have had no part in inducing him to write the letter referred to.

It will be noticed that in nearly all of the cases which Mr. Bailey calls attention to he was either ignorant of or had forgotten the material facts which entirely changed the aspects of the questions under con-

›n. In some of the cases Mr. Bailey, over his own signature, ›nded the action which the commission took. He seems to have n that he himself at the time recommended to the commission ke the action it did. It is remarkable that he should now come his committee and complain of action which was taken upon recommendation. Mr. Bailey's position in the office is not such 'e him a survey of all the facts in many of the cases which he d these facts, it will be observed, are material to be familiar ›rder to understand the action of the commission. Mr. Bailey's suppresses or ignores facts without which no proper judgment reached.

›rstood Mr Bailey to say in his testimony that the commission ›wed permanent appointments to be made without examina- would say in answer to this that no permanent appointments ›n allowed without examination since December 1, 1896. It is nt to state here that on January 2, 1897, an amendment was the civil-service rules, on the recommendation of the commis- ;horizing the extension beyond the period of three months of ry appointments which had been or might be made when the ›terest required and the commission had no suitable eligibles on ters. The cases of assistant inspectors of steel were explained letter of Assistant Secretary of the Navy Roosevelt. The ;ion of Mr. Bailey's erroneous statements in this regard is, pos- at he observed on the minutes certain appointments that were in the Engineer Department at large. These appointments ; original appointments to enter the service, but were appoint- ' persons who had previously been in the Engineer Department and were out on furlough. In all these cases the date of origi- ance to the service was prior to December 1, 1896.

ɜ importance has been given to Mr. Bailey's statement, because ›en heralded abroad that he was the chief clerk of the commis- the assistant chief examiner. This is an erroneous view. Mr. s a clerk of class 4, detailed to the chief examiner's office, and ›s the chief clerk of the chief examiner. His real official status ommission is that of custodian of the building and supplies.

better show what Mr. Bailey's true position with regard to the ›ndence was by quoting from the evidence of the former chief r, Major Webster, in an investigation held in 1890, when, I ›e question of Mr. Bailey's promotion was before a committee ›ess. I would add here, Mr. Chairman, that the only promotion de in the commission's force about which there was any ques- in which the commission was accused of being influenced by or personal motives was the promotion of Mr. Bailey when he noted to be a stenographer at $1,800, and it was claimed that ›ot a skilled stenographer and was not entitled to the promo- hat was long before I came on the commission, and I know very the facts. But when Major Webster was asked to state Mr. position, he answered: "He was called the correspondence Major Webster's testimony is as follows:

ion. Did you hear Mr. Bailey's evidence?
er. I did.
ion. Did you hear him testify that the bulk of the work was work?
er. He was called the correspondence clerk.
ion. That being the case, how could he have the leisure or time ur stenographic work?

Answer. To explain in regard to the matter of work, he is my correspondent clerk and writes part of the letters because they are familiar with those duties, and one requires about the same answer as another. In answering such others as he is not able to attend to I dictate to him.

Question. Do I understand you to say he does the bulk of the stenographic work of that Bureau?

Answer. No, sir; my business does not require the bulk of the stenographic work.

Question. What percentage?

Answer. I could not tell you that. We have two methods of correspondence there. The correspondence he does is in a great part of that which he can attend to from previous instruction, letters that are of similar purport and that he has written hundreds of times.

I think this statement is due to the committee, so that you can give proper weight to Mr. Bailey's evidence. On the question of this promotion and on the question of Mr. Bailey's status in the commission, I would be very much gratified if the committee would call for the testimony of Mr. Theodore Roosevelt.

The CHAIRMAN. Strictly speaking, from a legal standpoint, the only question at issue would be Mr. Bailey's general character?

Mr. PROCTER. Mr. Bailey's character is not in question. The question is what weight should be given to his opinions.

The CHAIRMAN. We give no weight to his opinions; we give weight only to the facts he states. We deal only with facts and not with matters of opinion, as I have heretofore stated.

Mr. PROCTER. I will state that when I first came upon the commission, whenever Mr. Roosevelt would leave me or the commission he would warn me in the following language: "Now, Proctor, be careful——"

The CHAIRMAN. That would be incompetent; that is hearsay.

Mr. PROCTER. It is not hearsay; and, Mr. Chairman, it was one——

The CHAIRMAN. It is clearly hearsay. I am chairman of the committee and I think I am competent to judge as to what is hearsay. It is not proper for you to undertake to state a conversation between Mr. Roosevelt and yourself in the absence of Mr. Bailey. If you could show that the conversation occurred in the presence of Mr. Bailey it would be regular and competent.

Mr. PROCTER. I will then ask you to call Mr. Roosevelt and ask him what direction he would give me on leaving the commission.

The CHAIRMAN. That would not be material. Let us deal with the facts. Let us see about the charges he has made. What does the record show in regard to those matters?

Mr. PROCTER. Mr. Bailey stated in his second statement that he was induced to make it because I had made a personal attack upon him. You can recall the fact, or you can read my statement, and ascertain that this personal attack consisted in making a statement that the commission, because of its knowledge of Mr. Bailey, did not give much weight to some of his recommendations—that some of the same recommendations which he had given before this committee had been before the commission, and had been considered and rejected. I am satisfied that when you look at the charges made by Mr. Bailey, and the statements which I will now submit to you, you will conclude that the commission was amply justified in not giving much weight to the consideration of many of his recommendations.

Before I go into these cases, in regard to Mr. Bailey's statement that he was forbidden to examine the records, I should like to state that the

chief examiner was called away and left this letter, and as he is under oath and the letters have been filed, I will simply read it or file it, as you please.

The CHAIRMAN. You can just file it with the papers.

Mr. PROCTER. It is the statement of the chief examiner.

The letter referred to is as follows:

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., February 7, 1898.

Hon. J. C. PRITCHARD,
Chairman Committee on Civil Service and Retrenchment,
United States Senate.

SIR: I have the honor to submit the following statement in reference to evidence which has been submitted to your committee to the effect that Mr. E. D. Bailey, a member of the commission's force, was forbidden to examine the public records of the commission.

When I was requested by you to furnish information in regard to the number of eligibles on May 6, 1896, I obtained the information by making request to the commission therefor and having it furnished me after it had been prepared by the chief of the proper division and referred to the commission. If I had endeavored to obtain the information in any other way it could have been properly classed as hearsay evidence. For the same reason I suggested to Mr. Bailey, when he was asking different members of the commission's force about certain cases concerning which he desired information, that probably it would be better for him to secure his information through the commission, from the records themselves, than to endeavor to obtain it in that manner. I made this statement to Mr. Bailey as a friendly suggestion, in order that the information which he might furnish could not be challenged as hearsay evidence.

In regard to the statement that Mr. Procter forbade his examining the files and records of the commission, I must state that in my presence Mr. Procter informed Mr. Bailey that all of the commission's records were subject to inspection by the public at any time through the proper persons, and that if he desired any information from the files which had not passed through his hands or relating to business in other parts of the office, the commission would be pleased to furnish him with facilities for obtaining it, but that he must obtain it through the proper channels, the same as anyone else. The whole tenor of Mr. Procter's statements in reference to any information Mr. Bailey might desire to obtain was that he should simply take the same steps that others would be obliged to take in securing similar information. I was very much surprised that Mr. Bailey in his evidence attempted to give the impression that any part of this conversation seemed to be in the nature of intimidation.

I can not recall the slightest evidence of anything partaking, even in the remotest degree, of intimidation in the whole conversation.

Very respectfully,

A. R. SERVEN,
Chief Examiner.

Mr. PROCTER. I will now take up the cases one by one and explain them. In regard to the first statement, he did not give the date nor the name, but fortunately the commission's files enabled us to locate it. It is about the reinstatement of men in the San Francisco custom-house. Those men, it was found upon an investigation, had been

removed for political reasons. After the commission had made its investigation the investigation was undertaken, finally, by the Treasury Department, and after a full investigation it was decided that the men should be reinstated.

SAN FRANCISCO CASE.

Reinstatement, W. C. Latham, night inspector customs service at San Francisco. . In this case the Secretary of the Treasury, under date of April 2, 1896, said:

"It is the opinion of the Department, therefore, that Mr. Latham's separation from the service under the civil-service law, rules, and regulations, was never completed, and that he is eligible for reinstatement on that ground, the question of his compensation for the period during which the question was in abeyance being settled by law, which provides that any absence in excess of thirty days in any one year, except it be on account of sickness, shall be without pay."

Mr. Bailey, as acting chief examiner, in referring this case to the commission, said:

"In this particular case the Department has opened the way for an easy settlement by officially stating that, in its opinion, Mr. Latham's separation from the service under civil-service law was never completed. If the matter be regarded in that light the Department might be informed that, as Mr. Latham was never separated from the service, a certificate for his reinstatement can not be issued, but that no objection will be made to his 'reassignment to duty.'"

The CHAIRMAN. You are quoting Mr. Bailey?

Mr. PROCTER. I am quoting Mr. Bailey.

The commission approved Mr. Bailey's suggestion, and informed the Secretary of the Treasury that it offered no objection to Mr. Latham's reassignment to duty.

The second case was the reinstatement of Hodes, Buckland, and others in the Government Printing Office. I will call attention to the fact that that case was fully investigated by your committee.

TEMPORARY COMPOSITORS, GOVERNMENT PRINTING OFFICE.

The question of the classification of certain persons who were employed as temporary compositors on August 1, 1895, in the Government Printing Office was heard before this committee and the testimony printed. Since that hearing the following letter was addressed to the Public Printer on April 16, 1897.

In response to this letter, the Public Printer reported to the commission the names of these temporary compositors as having been classified on August 1, 1895, as follows:

OFFICE OF THE PUBLIC PRINTER,
Washington, D. C., April 12, 1897.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C.

GENTLEMEN: I have the honor to ask if the United States Civil Service Commission will grant authority for the employment in this office of the 35 persons, less the number who otherwise have been reappointed or are now deceased, whose names appear on the time rolls of the Government Printing Office as temporary compositors, of the date of August 1, 1895, if requisition should be made on the commission for their cer-

tification for reinstatement? A list of the names of said compositors I inclose, marked "Exhibit A." I am informed that the number of persons on that list now eligible for employment is reduced to 12.

The commission, under date of August 2, 1895, held that these persons were within the classified service of the Government, and as they were dropped from the rolls August 17, 1895, the yearly limit, under ordinary conditions of eligibility, would have expired August 17, 1896. This matter having once been the subject of a Congressional hearing, and there being no like precedents for my guidance, I shall await an early decision of the commission.

Very respectfully, F. W. PALMER,
Public Printer.

APRIL 16, 1897.

The PUBLIC PRINTER,
Washington, D. C.

SIR: In response to your letter of yesterday's date, asking if the commission will grant authority for the employment of certain persons who were employed as temporary compositors on August 1, 1895, if requisition should be made for their certification for reinstatement, the commission has the honor to state that it still holds the opinion that these persons should have been reported in the list of those classified on August 1, 1895, and that, in failing to do this, the Public Printer failed to do something which should have been done, and it is believed that the Public Printer has the authority to amend this report by a supplementary report containing the names of these persons.

The question of again employing these men can not be one of reinstatement, since, if they were separated from the service the year limitation bars their reinstatement. The only question, then, is whether they were ever actually separated from the service at all; all this is a question which the Public Printer must decide. If these men were not actually separated from the service, and if the Public Printer should report them as having been classified on August 1, 1895, and should assign them to duty, the assignments should be regularly reported to the commission. If they were legally separated from the service August 17, 1895, the commission sees no way in which they can again be employed, except, of course, by original entrance to the service through examination. The petition accompanying your letter is returned herewith.

Very respectfully, JOHN R. PROCTER,
President.

REINSTATEMENT OF MISS AGNES GERRY.

The third case is the reinstatement of Miss Agnes Gerry in the Interior Department. I quote the minute of the commission:

Reinstatement—Miss Agnes Gerry.

[Extract from minutes August 31, 1896, clause 1.]

"Interior Department: Reynolds, Acting Secretary, August 27, referring to request made July 2 for certificate for the reinstatement of Miss Agnes Gerry as statistical expert, asks permission to allow the date of the request to be changed to June 26. States that the request was originally written on June 26, but that for some unimportant reason was postponed until July 2, when it was signed and sent to the commis-

sion. In view of this explanation certificate will issue. The separation of Miss Gerry from the service took place June 30, 1895, and the request will be considered as having been made within the year."

This action is in accordance with precedents.

THE FAUCHER CASE.

The next case is that of Mr. E. T. Faucher. Mr. E. T. Faucher was removed from assistant messenger in the Treasury Department January 8, 1897. Application for reinstatement was made by the head of the Bureau December 21, 1897, but action thereon was unavoidably delayed in the press of public business. The Secretary of the Treasury, in a letter of January 18, 1898, stated that for that reason the application for reinstatement should be considered as dating December 21, 1897.

That has been the practice of the commission.

The CHAIRMAN. So the rule applies only from the date of the application?

Mr. PROCTER. That is all. We treat the date of the requisition as the date.

The CHAIRMAN. Just as in a suit in court the date of the summons in the case is taken?

Mr. PROCTER. Yes. Frequently a requisition will be made and it will be delayed in the mail. We treat it from the date it started. That has been the universal practice of the commission.

THE CASE OF MISS VAN VRANKEN.

In the case of Miss Van Vranken I will quote the minute, which gives the whole case:

[Extracts from the minutes of the United States Civil Service Commission of January 13, 1898.]

Treasury Department: Requisition for reinstatement of Miss Mary Van Vranken. It appears from the statement made by the Secretary of the Treasury that Miss Van Vranken was removed from the office of the Commissioner of Internal Revenue without cause September 30, 1894; that at different times within one year from the date of her separation from the service three requests were made for her reinstatement: one by the Secretary of Agriculture for the purpose of immediate transfer to his Department, one by the Commissioner of Internal Revenue, in whose Bureau her service has been performed, and one by the Auditor for the Post Office Department; and that no one of these requests was either approved or disapproved by the Secretary of the Treasury. Commissioner Procter has investigated these statements made in the letter of the Acting Commissioner of Internal Revenue of June 1, 1897, transmitted to the Commission by the Secretary of the Treasury on June 3, 1897, and finds the facts to be as stated therein.

In view of the action taken by the commission in the case of Miss O. O. Brown, Indian service, March 5, 1894; in the case of Miss Amelia K. Collins, Indian service, February 15, 1895; in the case of Agnes Gerry, Interior Department, August 31, 1896; and more particularly in the case of Thomas F. Kelly, New York post-office, March 17, 1897, the commission decides that the formal request of the Commissioner of Internal Revenue operated as stopping the time limitation of Rule IX from running until such request should receive the action of the Secretary of the Treasury, and that it therefore has authority to issue cer-

tificate for the reinstatement of Miss Van Vranken. Certificate will issue. (P)

I investigated that case very thoroughly, Mr. Chairman. I found that when many reductions were made in the Treasury Department because of the report of the Dockery committee, a number of people were kept upon the reserved list, and as fast as vacancies could be found for them they were reinstated in those vacancies; that there was no charge against Miss Van Vranken; that she had a very high record of efficiency, which was attested by Commissioner Miller and Deputy Commissioner Wilson, in the Department; that she was dismissed and a man was transferred to her place; and according to action in similar cases the commission felt justified in authorizing the reinstatement. We did an act of justice, and I am proud of the action.

FURLOUGH OF EDWIN G. ROSE.

The next case is that of Edwin G. Rose, apprentice in the Bureau of Engraving and Printing, minutes of December 27, 1897. The Treasury Department gave eleven reasons why Mr. Rose might be reemployed. In brief, it was stated that Mr. Rose, while serving under his apprenticeship, lost his health, and the Department agreed that when his health should recover he would be again employed. The Department stated that his separation was not completed, but conditioned upon a return when his health permitted. His absence, therefore, was treated as a furlough, in accordance with the views of the Secretary of the Treasury. (Minutes, December 27, 1897, clause 2.)

PROMOTION OF W. W. RICKETTS.

Mr. Ricketts was appointed from Tennessee to the Treasury Department, at $900 per annum, on November 20, 1893; detailed to the Civil Service Commission on February 5, 1894: transferred to the rolls of the commission and promoted to class 1 on July 1, 1894; promoted to class 2 on April 14, 1897. Died on July 27, 1897.

It was alleged by Mr. Bailey in his testimony on the 5th instant that the promotion of Ricketts to class 2 was contrary to the promotion regulations of the commission. The following is a statement of the facts in the case:

The commission had before it the efficiency ratings of all of the clerks of class 1, and considered the merits of each case before the promotion of Ricketts was announced, on April 14, 1897. He was rated the highest in efficiency of any in his class by the chief of his division, his rating being but two-tenths of per 1 cent less than the highest rating received by any clerk of class 1 in the office of the commission. After careful consideration of all of the cases, the commission unanimously agreed that Ricketts was the most deserving of promotion of any in his class, because of the relative importance of his work, his unquestioned efficiency, and his remarkable industry, which was a matter of general comment in the office. The promotion of Ricketts was entirely based on merit, and was in accordance with the regulations of the commission.

PROMOTION OF GEORGE RISK.

Mr. Risk was appointed a clerk at $900 at the Civil Service Commission on September 4, 1894; promoted to $1,000 on November 1, 1894; promoted to class 1 June 26, 1895; promoted to class 2 September 15, 1895; promoted to class 3 June 23, 1897.

Mr. Risk has special and technical qualifications which are especially useful to the commission in its examining work. He is a linguist, having a knowledge of several languages, and is also a civil engineer and a mathematician.

There has been no disagreement whatever on the part of the Commissioners relative to any of his promotions. They have been based entirely upon merit, as he was reported the highest in efficiency.

I will state that Mr. Risk is a man who has a thoroughly trained mind. He was appointed from our own registers from the State of Florida. I do not suppose he knows a politician in the State of Florida, and I doubt if there is any man in the office, unless it be Mr. Bailey, who knows his politics.

THE BRUCE CASE.

Transfer of Miss Jeanne Bruce, of Minnesota, from copyholder at $3.20 a day in the Government Printing Office, to clerk at $1,000 a year in the office of the Fourth Assistant Postmaster-General: The Public Printer stated that the duties of her position rendered her well qualified for the transfer proposed. The Postmaster-General stated that the transfer was requested because Miss Bruce possessed special qualifications as a proof reader and typewriter, and that her services were specially desired on the work of altering and revising certain forms and records of the Department. In view of these facts, the requirements of the rules being satisfied, the certificate for transfer was issued. (Requisition made December 30, 1897. Minutes January 3, 1897, clause 1.)

THE LEET CASE.

George K. Leet was certified, on an examination in stenography and typewriting, for appointment at the Washington Navy-Yard. At the time of his entry upon the eligible register there was a dearth of eligibles in stenography. In view of the fact that he was eligible at the time of appointment in the navy-yard, although a legal resident of the District of Columbia, for certification from the District of Columbia to a place in the Departments because of the lack of eligibles, his transfer was allowed to the position of stenographer and clerk at $900 a year in the Department of Agriculture.

Leet was one of several stenographers sent for and examined by the chief of the biological division, who required a man of peculiar skill.

As Leet met these requirements the commission would have been justified in allowing the transfer, even if he had not been eligible under the circumstances stated above. (Minutes, January 22, 1898, clause 2.)

Mr. Bailey spoke of the transfer of a railway mail clerk.

Mr. DOYLE. There was no criticism of the transfer of a railway mail clerk to the Department of Justice.

Mr. BAILEY. I made no criticism. It was just a comparison with the other action.

Mr. PROCTER. I will drop that out. The next is the transfer of Miss Mary V. Kane, matron in the Indian service.

THE KANE CASE.

Miss Mary V. Kane, a matron in the Indian service, was detailed with the commission. She served with the commission in the performance of clerical work from May 10 to October 25, 1897. The Interior Department made requisition for her transfer to the Indian Office. As

Miss Kane had shown satisfactory clerical qualifications in her service with the commission, an examination was perhaps not strictly necessary, but it was nevertheless directed that she be required to be examined for the transfer. (Minutes, December 11, 1897, clause 1.)

THE HATCH CASE.

Mr. William M. Hatch was transferred from the Interstate Commerce Commission to fourth assistant examiner in the Patent Office *under an examination in law*, upon the following statement of the Acting Commissioner of Patents:

"I have asked this transfer particularly because of the knowledge of patent law possessed by Mr. Hatch. I believe that such transfer could be properly made without the formality of an examination, but should you deem an examination necessary, such examination may properly be confined to the subject of patent law."

The Acting Commissioner also, in another communication, said:

"Mr. Hatch is personally known to me to be exceptionally well qualified for the position of assistant examiner in this office. He is a college graduate, and his course of study in college was such as to render him well informed in matters pertaining to chemistry and physics. He is also a graduate in law and a member of the bar, and has taken a special course in patent law."

It will be observed that the examination given Mr. Hatch was more appropriate than the ordinary examination for patent examiner.

(Minutes, December 28, 1897, clause 1.)

THE DIGGES CASE.

The transfer of Charles F. Digges from usher at the Executive Mansion, at a salary of $1,200, to the position of clerk, at $1,200, in the Office of the Fourth Assistant Postmaster-General, was allowed under Rule X, clause 3, which provides that transfer may be made without examination from the office of the President of the United States, after continuous service therein for the two years next preceding the date of the requisition, to any position classified under the civil-service act, if in said position there is required, in the judgment of the commission, the performance of the same class of work that is required to be performed in the position from which transfer is proposed. It will be seen, therefore, that the rule does not make an examination necessary, but merely permissive.

The CHAIRMAN. In regard to this case I should like to ask you if it is true that Mr. Digges was examined twice and failed. Do you know anything in regard to that statement?

Mr. PROCTER. I do not know; but possibly it is true.

HOME-RULE PRINCIPLE.

Of the next cases there will be possibly three together; but as the home-rule principle is included in all of them, I will make a statement which will cover most of them.

As to the commission's practice in applying what is known as the "home-rule" principle, I will state as follows:

It must be granted that the principle of home rule is commendable, and that the rules should, if possible, be so construed that this principle may be applied.

Rule IV, section 1, provides that "there shall be provided * * * examinations of a practical and suitable character, involving such subjects and tests *as the commission may direct.*" Rule VII, section 2, provides that "the names of eligibles shall be entered in the order of their average percentage *on the proper register of eligibles.*" Rule VIII, section 8, provides as follows—

Now, here is the gist of the whole matter:

"For filling vacancies in positions outside of the District of Columbia and in positions in the pension agency, the depot quartermaster's office, and other local offices in the District of Columbia, the territory of the United States shall be arranged in such sections or districts *as the commission may determine;* and an eligible shall be certified, in his order, to vacancies in the *section or district in which he resides*, and upon his written request to vacancies in any one or more of the other sections or districts: *Provided*, That in the custom-house service, post-office service, or Internal-Revenue Service an eligible shall be certified only to vacancies in the customs district, post-office, or internal-revenue district where he was examined."

From these provisions as quoted, it is seen, in the first place, that in the preparation and establishment of eligible registers the commission has absolute discretion under the rules. It is also seen that the keynote of section 8, Rule VIII, is this very principle—that of home rule; that is, that "An eligible shall be certified in his order to vacancies in the section or district in which he resides." The other provisions of the section are secondary. It seems clear to the commission that the intention of this section is that preference shall be given to residents of the section in which the vacancy exists, and that the proviso as to the custom-house service, post-office service, and internal-revenue service is not in derogation of this intent, but merely a limitation upon the secondary provision that an eligible may, upon his written request, be certified to vacancies in other sections than the one in which he resides.

I have a file here. It is a long statement. I do not know whether you want to burden the record or whether I shall simply leave it with you. It is on the case of carriers newly classified, and involves the home-rule section.

The CHAIRMAN. I suggest that you leave the statement with the committee, and we can decide whether it is necessary to have it go into the record.

Mr. PROCTER. It is a general statement covering several of these cases.

The CHAIRMAN. The stenographer will not insert it.

Mr. PROCTER. The commission has ample authority. I think, however, if you would insert the last page, without the correspondence, it would probably be valuable.

The CHAIRMAN. Very well.

Mr. PROCTER. It refers to carriers in the classified post-office service. I submit it.

The matter referred to is as follows:

In regard to the so-called home-rule feature in connection with post-offices, the records show that on October 29, 1897, the Postmaster-General addressed a letter to the Civil Service Commission in which he stated that upon reviewing the register of eligibles for carriers for Newport News and Manchester, Va., it was found that a large number of them were not citizens of either of these cities. He further stated that it was the policy of the Department, in making appointments to

positions in local post-offices, to appoint citizens of the town in which the post-office is located, and he therefore requested that in certifying eligibles for appointment in those places only those who were bona fide residents of the cities to which the registers applied should be certified. To this letter reply was made on November 5, in which the commission stated that in view of the statement "that it is to be the policy of your Department, in making appointments to carrier positions in newly established free-delivery post-offices, to appoint only citizens of the town in which the post-office is located, while not expressing an opinion as to the propriety of such a policy, it would be obliged to acquiesce therein." It may be stated at this time that this matter has not reached a definite conclusion, and that the adjustment of it is still pending between the Post-Office Department and the Civil Service Commission.

INTERNAL-REVENUE REGISTER.

Mr. PROCTOR. The case of the eligible on the internal-revenue register of Cincinnati, Ohio, who resided at Springfield, you see, is amply covered by the statement that I have already made. I will give you the minute adopted on that occasion.

Mr. BAILEY. Mr. Chairman, may the minute be read?

The CHAIRMAN. Yes, sir; I have no objection. Read the minute, Mr. Procter.

Mr. PROCTER. It is as follows:

[Suggested minute.]

Cincinnati internal-revenue office: In view of the statement made by the Commissioner of Internal Revenue under date of December 7, transmitted by letter from the Secretary of the Treasury dated December 10, it is ordered that a certificate be issued nunc pro tunc, dated November 26, containing the names of the highest three eligibles on the Cincinnati internal-revenue register. The commission sustains the objection made by the Commissioner of Internal Revenue to Mr. Sieverling on the ground that he is a nonresident, and his name will therefore be passed in making this certification. Mr. Sieverling will be notified of this action.

He was also notified, I think, that he might be transferred to the register in the district in which he resided.

Mr. BUSHBY. Excuse me; that is a mistake. He was not notified.

Mr. PROCTER. Was he not transferred?

Mr. BUSHBY. No, sir. We had no authority to do that, and we did not so notify him; but we simply notified him that his name had been passed, and that settled the case.

Mr. PROCTER. Well, that is all, then.

INSTRUMENT MAKER IN COAST AND GEODETIC SURVEY.

The next case is in regard to the appointment of an instrument maker in the Coast and Geodetic Survey.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., September 22, 1897.

To the COMMISSION:

Certificate No. 2187, issued July 10, 1897, for filling the position of instrument maker in the Coast and Geodetic Survey, at $900 per annum, is herewith referred to the commission. The question involved in this

case has been very thoroughly discussed by the commission and the Treasury Department. The statement made by the Treasury Department, under date of September 21, 1897, returning this certificate, probably requires that the commission shall recognize the right of the Superintendent of the Coast and Geodetic Survey to object to both Gerhards and Schwartz as being undesirable employees. Under the circumstances, therefore, it is recommended that certificate 2187 be canceled and another certificate, containing the name of Kathan and any other eligibles, be submitted. To this effect the following minute is suggested:

[Suggested minute.]

Ordered: In view of the statement made by the Treasury Department that two of the persons whose names appear on certificate No. 2187 were formerly employed in the Coast and Geodetic Survey and are not considered desirable employees, that said certificate be canceled and another certificate be issued containing the names of the highest three eligibles as instrument makers if there are so many on the register.

WM. R. BUSHBY.

SKILLED LABORER REGISTER.

The next is on the certification of persons because of experience. That is very well covered here. I will state that Mr. Bailey has from time to time suggested that we write to persons on the skilled registers to find out whether they possess certain qualifications in meeting the requisitions from the Departments.

In regard to the selection of experienced persons from the skilled laborer register by the Government Printing Office, it is proper to state that the examination for skilled laborers is a uniform one and covers all branches of work in which skilled labor of any kind may be required. Prior to about one year ago the present skilled laborer register was known as printer's assistant register. A register established as the result of a similar examination, but known as skilled helper register, was established for positions in the Government Printing Office, the printer's assistant register being used for the Bureau of Engraving and Printing only. As the examination was indentical for both of these registers it was considered a matter of economy to consolidate the two registers under the title of skilled laborer. In certifying from this register the commission has, upon the request of the Government Printing Office, taken the ground that previous experience in any certain line of work was quite a consideration in the economy of the administration of the affairs of the Government Printing Office.

It was stated by representatives of Mr. Benedict and Mr. Palmer that it cost the Government an average of $200 to instruct an unskilled person in press feeding, folding, and other work in the Government Printing Office, and this does not take into consideration the loss of time to the Government and the consequent delay in the transaction of the public business. The commission, on March 9, 1897, addressed a letter to Hon. T. E. Benedict, then Public Printer, in which it was stated that after considerable inquiry it was deemed desirable to suggest that it would be pleased to comply with any future requisition from that office for eligibles who had had experience in any particular line of work. As this letter was received by Mr. Benedict shortly before he went out of office no action was taken by the Public Printer

thereon, but on November 8, 1897, Mr. Palmer, then Public Printer, quoted this letter and asked that, in making certifications for the positions of press feeder in the Government Printing Office, if selections could not be made from the register of eligibles of those who had shown previous experience in the particular work for which requisition was made. The commission, of course, acquiesced in this request.

In this connection it is proper to say that the present skilled-laborer register contains the names of 1,201 persons, not more than 100 of whom have indicated by their papers that they have had previous experience in particular lines of work at the Government Printing Office. The scholastic part of the examination does not develop any special training or skill in the work required. It is necessary, therefore, that selection be made in accordance with the qualifications which may be claimed by the competitor in her application papers, which really form a part of the examination but which are not graded. The commission could have directed that separate registers of press feeders and sewers, and other branches of skilled labor in the Government Printing Office, be made, but, as stated before, it was considered to be more economical to make a consolidated register of all those who had taken the same examination, simply indicating on the register the special qualifications claimed by the eligibles.

The rule in regard to this matter requires that the commission shall certify from the proper register the three names at the head thereof. If separate registers should be established this rule would be literally carried out. The spirit of the rule is carried out by certifying from the consolidated register the highest three names who have shown by their papers that they possess experience along the lines of work for which the requisition was made.

In this connection, also, attention is invited to the fact that section 155 of the pamphlet of instructions, revised to July 1, 1897, indicates the scope of the skilled laborer examination. Section 156, which immediately follows, indicates that experience will be considered for positions in the Government Printing Office.

RESIDENCE IN COUNTIES.

I think I gave a sufficient statement about the county officer's certificate in the case of the man from South Carolina who was allowed to take the examination. I am rather proud of this case because it was where Mr. Roosevelt and I had reversed a practice of the commission which had been, I think, very bad. Under the old practice a man might go from the District of Columbia and teach school for six months in a State and acquire a residence and go into the examination and come into the departmental service from the State, while if a man who had resided all his life in the State had happened to move across the county line a few months before the examination he could not be examined, because it required that the man should be a resident for six months in the county. We reversed that practice and stated that if persons had been three months in the county they might be admitted to the examination, knowing that the law was intended not to apportion appointments among the counties of the State but among the States, and the object was to prove bona fide residence in the State.

The CHAIRMAN. What length of time are applicants required to live in the State?

Mr. PROCTER. Six months. I myself think it ought to be a longer time.

The CHAIRMAN. Do you not think that they ought to be required to reside the same length of time in a State that they are required to reside there in order to acquire the right of citizenship?

Mr. PROCTER. Yes, sir.

APPRENTICE BOYS' EXAMINATION.

Mr. PROCTER. The next is the question of apprentice boys' examination. In regard to the change in the character of the examination for apprentice boys, it should be stated that the change grew out of the fact that the register was known as a "time" register, or one the relative order of the eligibles thereon depending upon the order of time in which the application had been filed. It thus happened that persons who lived in the District of Columbia and in nearby States had a considerable advantage over those who lived at some distance. The commission, after considerable discussion of the matter, agreed to provide a scholastic test along the lines which had been suggested by Mr. Bailey. The present register has placed the young men in a position by which they will be certified to vacancies occurring in any Department, where they may become apprentices along the particular lines of work desired.

ASSISTANT MICROSCOPIST.

In regard to the examination of assistant microscopist the following letter to Hon. J. R. Mann, Representative in Congress, will give the essential facts. I leave the letter with the committee and read from it the following extract:

"From this register thus especially established for the Department of Agriculture certifications have been regularly made until that register was exhausted. The Department of Agriculture then stated that it was thought advisable to again change the character of the examination, giving a lower-grade basis, and insisting that the persons examined should have had some experience in the use of the microscope and be tested on the use and care of that instrument. Accordingly, the commission has again changed its advertisement, and as you will notice from the copy of the pamphlet herewith (p. 31, sec. 65), the change was made after the type had been set and the last proof was being revised."

CLERK-COPYIST REGISTER.

I will state that it came to the knowledge of the commission that the people who were on the clerk-copyist register, our first-grade examination, appointed first, were not willing to remain in those positions. It is somewhat disagreeable work. They work near the slaughter-house in examining meat. They immediately began to use influence to be transferred to the departmental service. The Department wanted young women who were willing to do this work, and the grade of the examination was lowered, and it is now working very satisfactorily. They do not want persons who are striving to be transferred away from that work.

CASE OF MRS. M. A. WEST.

One of the most flagrant cases stated by Mr. Bailey was the teachers' examination in Kansas City, Mo., October 25, 1897, in which he said the examination should be canceled and reexamined because one of the per-

sons was given the whole examination one day, while the examination was divided between two days among the others. Here is the recommendation of Mr. Kiggins, the chief of our examining division, November 4, 1897, to the commission:

Recommendation of the chief examiner and action of the commission in the case of Mrs. M. A. West, examined for teacher at Kansas City, Mo., on October 25, 1897.

F. M. K.] NOVEMBER 4, 1897.

To the COMMISSION:

The letter of the 27th ultimo from the secretary of the Kansas City post-office board is respectfully referred to the commission. The secretary states that one of the teacher competitors (Mrs. M. A. West), in the examination on October 25, was, in view of her persistency, permitted to complete the examination on October 25. There were 12 other competitors who took the last five subjects of the examination on the second day, when the same questions that were given to Mrs. West on the first day were used. She furnishes an affidavit, dated Topeka, Kans., October 26, the day after her examination, and the day on which the others were examined on the last five subjects of the teacher examination in Kansas City, to the effect that she did not mention the civil-service examination or anything connected with it to anyone at any time.

The subjects of the teacher examination which were required to be given on the first day are weighted 65 per cent. The subject "drawing" is required to be given on the second day, and is weighted 10 per cent. The drawing test is a mechanical one, and no special advantage could be gained by advance information on the subject. The competitors, therefore, who were examined on the second day could not have obtained any information in regard to the subjects which were weighted 75 per cent of the examination; and in view of the sworn statement of Mrs. West that she did not communicate with anyone in regard to her examination, the following minute is recommended:

"Kansas City: The action of the post-office board in permitting Mrs. M. A. West to complete the teacher examination on October 25 is approved; but the board will be informed that the commission regrets the board's action in this matter, and that in the future where examinations require more than one day no competitor should be given more than the subjects provided for that day."

Very respectfully,

A. R. SERVEN,
Chief Examiner.
E. D. B.

Min. Nov. 5/97 (3).

This minute was sent to the commission by A. R. Serven, chief examiner, but Mr. A. R. Serven's name is signed by Mr. Bailey and his initials are put under it. So it was on Mr. Bailey's recommendation that this action was taken, which he now characterizes as a most flagrant violation of the law and the rules.

The CHAIRMAN. What was the date? Was it before or after Mr. Bailey wrote the letter to Mr. Roosevelt?

Mr. PROCTER. The date is November 4, 1897.

The CHAIRMAN. Before Mr. Bailey wrote to Mr. Roosevelt?

Mr. PROCTER. Before; but this was one of the cases brought up the other day.

Senator LODGE. Let me ask you a question there, Mr. Commissioner. Suppose the examination had been annulled, would it not have required all the other competitors to come again?

Mr. PROCTER. It would have required some of them to come hundreds of miles at very great expense, and it would have required the commission to have prepared an entirely new examination.

Senator LODGE. And it would have put those people to the expense and trouble of travel?

Mr. PROCTER. Yes; this is very much in line with the recommendation which Mr. Bailey made the other day, you remember, Senator, when he said that we ought to sift out the people on their letters; that they ought to be compelled to go before our local boards and write letters to us, and then we could decide whether we should admit them into the examination. That would put them to a double expense in going to our boards, and many of them would not even be admitted to the examination.

Senator LODGE. The purpose of this minute, as I understand it, was to save the other people—a dozen or more—who had come there, from repeating the journey and taking the examination again?

Mr. PROCTER. Exactly.

Senator LODGE. You mean to say that that was the practical result?

Mr. PROCTER. That was the practical result of it.

EFFICIENCY RATINGS.

The next is the statement with regard to the promotion of subordinates to clerical positions in which the efficiency rating was allowed to be credited as a part of the examination. Mr. Bailey spoke of the inclusion of persons who were borne upon different rolls, but doing clerical work, as a violation of the law and a very improper action. It has been known for years that a great many persons were appointed to non-classified positions, particularly in the lower grade, who did not do laborer's work or messenger's work or watchman's work. Many women were appointed as laborers and were then put at clerical work. This was a violation of the law, and was a growing evil which the May 6, 1896, rules were designed to cure.

The commission brought it to the attention of Mr. Cleveland early in his Administration, and an amendment to the rules was prepared by Commissioner Lyman, which was substantially the amendment which was adopted finally by President Cleveland May 6, 1896, in trying to cure this evil, the rule stating that the persons who were at that date actually engaged in clerical work or work in other classified positions should be classified, but that thereafter no other person should be appointed to those positions except through examination, and that no person who was appointed without examination should do work in a classified position. Under the rulings of the Attorney-General the persons who were classified as clerks, notwithstanding they may have been borne on the labor roll, were eligible to promotion or examination; but the Departments agreed with the commission to a compromise which would lessen that evil by agreeing to an examination, which was held; and it was at the request of the Departments that an efficiency rating should be given to those who had been doing clerical work.

In regard to the allowance of efficiency ratings in promotion examinations from subordinate grades to clerk or its equivalent, attention is called to the following extract from Regulation IV:

"* * * "The efficiency record shall be a part of each promotion examination: *Provided*, That until such records are available the efficiency record may be omitted."

This extract was contained in the first draft of the regulations which Mr. Bailey claims to have prepared, and fully explains why efficiency was considered by the commission in this class of examinations.

THE ANDREWS CASE.

Transfer of Burt W. Andrews from clerk in the Bureau of Animal Industry, Department of Agriculture, to the Treasury Department as a clerk at $900 per annum: Mr. Andrews was appointed from the clerk-copyist register of eligibles from South Carolina, which State had not received its full share of appointments under the apportionment. The Treasury Department stated that Mr. Andrews had a knowledge of law which would be useful in the position to which transfer was proposed. In view of the special qualifications required and the testimony submitted as to the course of education in law, he being a member of the bar, and the apportionment permitting, a certificate was issued. (Minutes, January 23, 1897, clause 1.)

THE CHEESMAN CASE.

Transfer of D. G. Cheesman from clerk at the San Carlos Indian Agency to clerk in the Indian Office: Inasmuch as this transfer was in the same line of work, and as Ohio had not received its full share of 2,000 appointments, the transfer was strictly in accordance with the requirements of the civil-service rules. (Minutes, January 8, 1897, clause 3.)

Mr. Bailey cited that as one of the evidences of the vacillation of the commission. When the case first came up, as I explained the other day, the new rules had not received full explanation in all their details, and some of the Commissioners were of the opinion that transfers could not be allowed unless the State was in order of certification. That would have practically barred all transfers. Here was a case where a man wanted to come from the Indian agency to the Indian service in Washington, where the Department wished to secure his services; and after the commission consulted with the President and got his interpretation of the rule we found that the transfer could be allowed, and it was allowed.

APPOINTMENTS IN SUBTREASURY, NEW YORK CITY.

[Extract from minutes of January 12, 1897.]

9. Treasury Department: Request for approval of absolute appointments, in the office of assistant treasurer of the United States at New York, of a fireman with qualifications of an engineer, of a janitor, and of a classified laborer. In view of the complications which have arisen in connection with filling these positions, some of which are chargeable to the commission, and in view of the fact that no examinations have yet been held to establish registers with the peculiar qualifications required by the subtreasury in New York City, these appointments will be approved in accordance with the practice which the commission has followed in other Departments in similar cases, notably that of the Engineer Department at large.

TEMPORARY APPOINTMENTS, ENGINEER DEPARTMENT AT LARGE.

Temporary appointments were permitted in the Engineer Department at large until eligible lists were established. For this reason the temporary appointments referred to in clause 2 of the minutes of December 30, 1896, were allowed, as the three persons therein referred to were appointed prior to the preparation of the scheme for holding the examinations. The names of the three men and the dates of their appointment are: John Leight, September 21, 1896; Charles Thuringer, October 5, 1896; Edwin Van Giesen, September 11, 1896.

The same reason applies in the case of A. D. Davis, inspector of dredging, which was authorized on December 10, 1896. Davis was appointed September 9, 1896.

THE SLACK CASE.

Clause 1 of the minutes of December 8, 1896, allowed the promotion of Stanley I. Slack upon the receipt of additional information concerning his status. His salary as curator of the Museum had been increased by action of Congress from $660 to $1,000 per annum. The promotion had been allowed by a previous minute, which was canceled, it being desirable to first obtain a supplemental statement from the Postmaster-General; and upon receipt of this supplemental statement the promotion was approved.

APPOINTMENTS IN NEW YORK SUBTREASURY.

Minute 3, of December 1, 1896, directing that a letter be addressed to the Secretary of the Treasury informing him that under the circumstances the commission would interpose no objection if the appointments were made as suggested by Mr. Jordan in the office of the assistant treasurer at New York, was canceled by clause 10 of the minutes of December 7, because of new facts coming to the attention of the commission making it desirable that the matter should be reconsidered at a meeting when all of the Commissioners should be present. The final action taken was not changed, but merely the form of letter written.

EXPIRATION OF YEAR OF ELIGIBILITY FOR THE PURPOSE OF CERTIFICATION.

The minute of October 7, 1896 (clause 2), was amended by the minutes of October 10, 1896 (clause 2), to make the date of the receipt of a request for certification, instead of the date of the request itself, as determining when the year of eligibility expired, for the purpose of certification. The minute of October 7 fixed the date of the request and the date of the certificate as decisive, and the amendment made the date of the receipt the determining date.

CASE OF JAMES R. COGGESHALL.

I wish to insert in the proper place the minute of April 1, 1895. Mr. Bailey, you see, went back to 1895, and he has given all the cases from 1895 to the present day that he could find that he thought would in any way be construed to be a reflection upon the work of the commission.

[Extract from minutes of April 1, 1895.]

Commissioners Procter, Lyman, and Roosevelt.

9. James R. Coggeshall: Application will be accepted, subject to the decision of the commission later, on the question of his residence in the county from which he now comes. It appears that he has all his life lived in South Carolina, in this or the adjoining county, but has recently moved back into this county, where he has been only for three months. Notify him that he can be examined at Charleston, S. C., on April 5. This information will be given by telegraph. He will be informed that his application will be received if he will furnish vouchers Nos. 1, 2, and 3, dated as December 26, 1894, showing his residence in Florence County for the six months or more preceding. The present vouchers which he has submitted will then serve for the time intervening since then.

Mr. Bailey afterwards asked to exclude that man from the examination.

THE CASE OF DWIGHT S. COLE.

Here is a similar case, that of Dwight S. Cole, minutes of May 3, 1895. The commission refers to the action previously taken in the Coggeshall case. I will read this, Mr. Chairman, because we wished to establish this as a precedent to be followed.

[Extract from minutes, May 3, 1895.]

8. Dwight S. Cole: Mr. Cole was permitted to enter the assistant meteorological observer examination at Detroit, subject to correction of his application. The same order is made as in the case of James R. Coggeshall (Minutes, clause 9, April 1, 1895), it appearing that Mr. Cole has continuously resided in the State of Michigan. He will be allowed to supplement his present application by proving his residence in the two counties named in his letter of March 15, and the chief examiner will take note that the decision of the commission in the Coggeshall case is to be treated, not as an exception, but as a precedent for all similar cases, and hereafter the cases will be decided in accordance with this decision. While Commissioner Lyman does not vote against this minute, in view of the action of the commission in the case of Coggeshall, recorded in the minutes of April 1, 1895, item 9, he does not think that there is any authority under the law to accept an application unless it is shown by the county officer's certificate that the applicant has been an actual bona fide resident of the county in which he claims residence for the six months next preceding the date of the application.

Senator LODGE. What have the counties to do, except as furnishing testimony of residence in the State?

Mr. PROCTER. Nothing whatever. It is to prove residence in the State.

Senator LODGE. The law provides for an apportionment among the States. It recognizes no counties?

Mr. PROCTER. No, sir; except the law——

Senator LODGE. And the object of the county certification is simply to prove residence in the State. Is that all?

Mr. PROCTER. That is all; and the commission thought it was justified in putting a common-sense interpretation upon the law and that it should not try to defeat the object of the law.

Senator LODGE. I do not see how any other interpretation of the

law is possible. The object of the law is to apportion quotas among the States.

The CHAIRMAN. So long as a man resides in the State he is entitled to his rights.

Senator LODGE. The object is to prove his residence in the State.

Mr. PROCTER. I believe now I have covered every one of the cases raised by Mr. Bailey.

With respect to the work of the commission after the revision of the rules on May 6, 1896, I wish to state that the commission began without unnecessary delay to take steps to complete the details of the large extension of the classified service growing out of the revision of the rules. Owing to the large variety of positions classified much preliminary work was necessary before examinations could be prepared and eligible registers established for the newly classified services. It was necessary first to secure a complete classification and enumeration of all the positions in and under each Department. This work, which was done by the Departments with the aid of an examiner of the commission, required several months, the first departmental classification, that of the Treasury Department, being approved on October 6, 1896, and the last, that of the Department of Justice, being approved on January 18, 1897.

As the reports of the classifications were being prepared in the several Departments, the commission's representatives were making inquiries in regard to the character and duties of the various positions brought into the classified service. This work had so far advanced that on December 24, 1896, the commission sent to the Interior Department for transmission to the Public Printer the revised pamphlet of instructions to applicants, containing the scope of examinations for many of the newly classified services, with a schedule stating where the examinations could be taken. This included examinations for the Supervising Architect's Office, the Engineer Department at large, the Revenue-Cutter Service, Marine-Hospital Service, Steamboat-Inspection Service, and the Life-Saving Service. The pamphlet of instructions also contained information relative to other newly classified positions which were to be filled by special examination, owing to the small number of such positions, or from existing registers of the commission.

On account of the difficulty of securing suitable details of clerks from the Departments, after the extension of the rules on May 6, 1896, the commission was considerably embarrassed, and the work of preparing the examinations for the newly classified positions proceeded under many difficulties. It was not practicable to prepare examinations or to establish eligible registers for those positions until the commission had the fullest information in regard to their nature and duties. This part of the work necessarily proceeded slowly, and in some cases modifications had to be made in the examinations as first prepared to meet the requirements of the service.

The extraordinary increase, upon the change of the Administration, in the number of applicants for positions in the old branches of the classified services (departmental, the custom-house, post-office, and the internal-revenue branches) very greatly increased the work of the commission. During the first six months of 1897 there was an increase of nearly 100 per cent in the number of applicants for examinations as compared with the number for the same period in any previous year. The commission's recommendation for an increased force to expedite the examining work was not favorably acted upon by Congress.

The accompanying letters—one dated November 28, 1896, addressed

to the Secretary of Agriculture, and the other January 28, 1897, addressed to the Secretary of the Navy—show that the work relating to the extension of the rules was well in hand at that time. Similar letters were forwarded during the same period to the other heads of Departments.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., November 28, 1896.

SIR: You are respectfully advised that, beginning with December 1, this commission will be prepared to make certifications to fill vacancies in all positions included within the classified executive civil service. Your special attention is called to the fact that this includes all positions brought within the classified civil service by the Executive orders of May 6 and November 2, 1896. Vacancies in these branches of the service, unless filled by reinstatement, transfer, promotion, or reduction, may be filled either by certifications from existing registers of eligibles, or, where other qualifications are essential, in accordance with the provisions of sections 12 and 13 of civil-service rule 8.

Very respectfully,

JOHN R. PROCTER, *President.*

The honorable the SECRETARY OF AGRICULTURE.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., January 28, 1897.

SIR: The commission has the honor to inform you that vacancies in all positions in and under your Department which were brought within the classified service by the revision of the civil-service rules, if not filled by promotion, transfer, or reinstatement, will be filled as far as practicable by certification from existing eligible registers or by special examinations when required. Positions which will be filled in the manner stated include clerks, draftsmen, messengers, watchmen, engineers, firemen, and all other positions included under Rule III, section 2, clause (b), of the revised rules.

The commission will be pleased if you will, at your earliest convenience, state whether or not the methods proposed for filling vacancies will be satisfactory to your Department.

Very respectfully,

JOHN R. PROCTER, *President.*

The honorable the SECRETARY OF THE NAVY,
Washington, D. C.

The CHAIRMAN. Mr. Bailey, do you desire to ask Mr. Procter any questions?

Mr. BAILEY. Mr. Chairman, it is gratifying to me, I may say, that there is not very much dispute about facts, but there does seem to be some difference of opinion as to the bearing of those facts. I have noticed, in the presentation Mr. Procter has made, that in a very large number of cases he has simply reiterated the facts I gave, but he has not shown their bearing upon the points which I was making.

If it is the pleasure of the committee, I shall be very glad of an opportunity to travel over the ground over which he has gone, and if I am mistaken in the view which I have taken of it there will be no man who will be more pleased to acknowledge his mistake; but if the result of cross-questioning shall be to show that I am right in the interpretation of the facts, I shall be glad of an opportunity to show it.

The CHAIRMAN. That is purely a question of law or the proper construction of the law. It is for you to decide whether or not Mr. Procter has testified to any facts about which you desire to cross-examine him. If so, you are at liberty to cross-examine him. I will say, however, that I hope you will be as brief as you can. After you conclude, Senator Lodge would like to ask you some questions.

Mr. PROCTER. Before we leave this subject I will say I have here all the files, but I do not like to leave them. I should be very glad, if you gentlemen wish to look into this matter, if you could let a subcommittee come to the office of the commission.

The CHAIRMAN. To what matter do you refer?

Mr. PROCTER. I have the files and correspondence relating to every case I have named.

The CHAIRMAN. I think the evidence is of such a character that we will be able to determine these questions without doing that.

Mr. BAILEY. I understood you to say, Mr. Procter, that I had been four months in preparing the evidence which I submitted. Did you make such a statement?

Mr. PROCTER. I said that was my impression. Well, yes; I probably made that statement. I suppose you have been getting information ever since you sent the communication of March 5, 1897, to Mr. Roosevelt.

Mr. BAILEY. It is a mere supposition on your part?

Mr. PROCTER. I have pretty good reasons for the supposition.

Mr. BAILEY. Would you object to stating what your reasons are?

Mr. PROCTER. I do not propose to state them, because it is immaterial. That is my belief. I did not state it as a fact.

Mr. BAILEY. I understood you to say that there have been no permanent appointments without examination since December, 1896. Did I understand you correctly?

Mr. PROCTER. That was my statement.

Mr. BAILEY. We are led to infer, then, that there were some permanent appointments without examination prior to December, 1896?

Mr. PROCTER. Yes.

Mr. BAILEY. You stated that the action of this investigating committee in the cases of the 35 compositors in the Government Printing Office was a determination that they were in the classified service?

Mr. PROCTER. No; I did not state that that was the determination, but that it was an indication to the President of what the committee thought of the status of the men.

Mr. BAILEY. The fact that they were in after August 1 brought them into the classified service?

Mr. PROCTER. They were in August 1, at the time the classification went into effect, and they should have been reported by the Public Printer as included in the classification.

Mr. BAILEY. Did the committee decide that that gave them a right to reinstatement——

Mr. PROCTER. No.

Mr. BAILEY. After the expiration of one year?

Mr. PROCTER. They decided that they would honor a request for reinstatement it it was made.

Mr. BAILEY. You understand that the point I made was not that they were not in the classified service, but that they had no right to reinstatement after the expiration of one year?

Mr. PROCTER. They were never reinstated.

Mr. BAILEY. They were reassigned for duty?

Mr. PROCTER. They were reassigned to duty because they were

never separated from the service as the rules prescribe that classified persons shall be.

Mr. BAILEY. In the case of the apprentice boy, reinstated in the Bureau of Engraving and Printing after the absence of three years, do you remember that the minutes say a certificate will be issued for his reinstatement?

Mr. PROCTER. I think I quoted the minutes exactly.

Mr. BAILEY. As you quoted it, it did have that fact on it?

Mr. PROCTER. I quoted it as it was.

Mr. BAILEY. Do you know whether the commission issued a certificate for his reinstatement?

Mr. PROCTER. I do not know.

Mr. BAILEY. Would it be proper under the rules to do so?

Mr. PROCTER. Yes; although we treated it as a furlough on the statement of the Department. The man was furloughed in order to enable him to recover.

Mr. BAILEY. Does the rule authorize the commission to issue a certificate for reinstatement after being out of the service more than one year?

Mr. PROCTER. The rules are here, and they are very plain, and the commission has, in each case cited by you, acted within the rules.

Mr. BAILEY. It is a fact that the commission has issued certificates for the reinstatement of persons after the expiration of one year?

Mr. PROCTER. I gave each case where the commission has issued a certificate for reinstatement and the reasons therefor.

Mr. BAILEY. You are aware that that is the only claim I made with reference to the cases I cited?

Mr. PROCTER. I do not remember just what your claim was. I have not yet seen your evidence.

Mr. BAILEY. In regard to the promotion of Mr. Ricketts, did the commission have any promotion regulations at the time of his promotion?

Mr. PROCTER. It did.

Mr. BAILEY. Were the efficiency reports, which were made up by the promotion board, made up in accordance with those regulations?

Mr. PROCTER. They were made up by the promotion board, but the commission did not consider that they were made up in accordance with the regulation, because they considered that an improper rating had been made of the character of work of certain people.

Mr. BAILEY. Did the commission send the reports back to the promotion board for correction or with any statement that they regarded them as wrong?

Mr. PROCTER. The commission informed the promotion board and wrote a very sharp letter to the board.

Mr. BAILEY. Is that letter a matter of record?

Mr. PROCTER. I think it is. I think the secretary of the promotion board has it.

Mr. BAILEY. A statement that the commission did not approve of the ratings given these men?

Mr. PROCTER. Certainly. I will state now that you gave a rating of 95 for character of work in the case of Mr. Wagner, and then reduced it 15 points after talking with the other members of the board.

Mr. BAILEY. Such information was given to you?

Mr. PROCTER. It came back with that change in red ink. I think it was 95 per cent. You put his character of work at the highest, although Mr. Wagner is simply custodian and shipper of supplies. Yet you put

the character of work as being among the highest of any person on the commission's force.

Mr. BAILEY. Were there any other changes made?

Mr. PROCTER. I do not remember.

Mr. BAILEY. When those efficiency records were given to you were they given in the form of a certification?

Mr. PROCTER. Yes.

Mr. BAILEY. Signed by the secretary in the usual manner?

Mr. PROCTER. I do not remember how they were signed. We accepted them as a certification.

Mr. BAILEY. But were they a certification?

Mr. PROCTER. It is for the commission to decide whether they should consider them a certification. They were sent to the commission, and we accepted them as a certification and acted upon them.

Mr. BAILEY. Sent by the promotion board?

Mr. PROCTER. I do not know how they got on the board table. I suppose they were. I always take it for granted when an official paper is brought and put upon the board table that it has been brought in the proper way.

Mr. BAILEY. Is that the ordinary method of making certifications—to lay papers loosely on the board table?

Mr. PROCTER. It is certainly the way to make a certification for promotion where the commission has absolute authority. The commission has authority to reject, because the commission is the board of final review of the board of promotion; and if the commission was of opinion that the board of promotion had made a wrong recommendation it would not consider it for a moment.

Mr. BAILEY. Then the regulations are not binding on the commission?

Mr. PROCTER. The regulations in this case were followed implicitly.

Mr. BAILEY. Was one of the highest three on the list selected?

Mr. PROCTER. The regulations do not require the certification of three.

Mr. BAILEY. Do the regulations of other Departments require the certification of three?

Mr. PROCTER. I do not remember. I am only speaking about the regulations of the Civil Service Commission.

Mr. BAILEY. What about the rules; do not the rules govern?

Mr. PROCTER. No; each Department makes its own regulations for promotion.

Mr. BAILEY. Then, I understand you claim for the commission that it may promote anyone, without reference to his standing?

Mr. PROCTER. The commission formulated the promotion regulations, and it could rescind them the next day.

Mr. BAILEY. Did it rescind them?

Mr. PROCTER. No; it did not.

Senator LODGE. These regulations were for its own force?

Mr. PROCTER. The promotion regulations were for its own force.

Mr. BAILEY. Then the commission has more power in that respect than the head of a Department has?

Mr. PROCTER. No. The head of a Department, after formulating promotion regulations, can change them with the consent of the commission. The commission, after formulating promotion regulations, can change them with the consent of the commission.

Mr. BAILEY. Then the promotion regulations really have no force in the Departments?

Mr. PROCTER. They have very efficient force in the Navy Department. They are doing remarkable service.

Mr. BAILEY. Suppose the head of a Department chooses to ignore them?

Mr. PROCTER. They amount to nothing. It is absolutely within the control of the head of a Department.

Senator LODGE. They are purely departmental regulations?

Mr. PROCTER. Purely departmental regulations; and if the Department chooses to ignore them, they are worthless, and we understood that thoroughly in making them.

Mr. BAILEY. Under what rule, Mr. Procter, are those regulations made?

Mr. PROCTER. Under rule 11, I think.

Mr. BAILEY. That is right. Will you kindly read the regulation—the second section of rule 11—and tell us whether the heads of Departments have the power to nullify regulations which are adopted in accordance with that rule?

Mr. PROCTER. It is as follows:

Regulations to govern promotions shall be formulated by the commission after consultation with the heads of the several Departments, bureaus, or offices. It shall be the duty of the head of each Department, bureau, or office, when such regulations have been formulated, to promulgate the same, and any amendments or revocations thereof shall be approved by the commission before going into effect.

Mr. BAILEY. They have not, then, the force of rules?

Mr. PROCTER. Certainly not.

Mr. BAILEY. Are we to understand that the commission did in fact nullify those regulations in order to make that one promotion?

Mr. PROCTER. The commission certainly did not. The commission made the promotion according to its own regulations.

Mr. BAILEY. You think the regulations would allow you——

Mr. PROCTER. There are two members of the commission's force here who are also on the promotion board, and they can give evidence to that effect.

Mr. BAILEY. You think the commission, under its own rules and regulations, can select the fourth man on a certification for promotion?

Mr. PROCTER. Certainly; because there is nothing in the promotion regulations requiring the three highest to be certified to the commission.

Mr. BAILEY. Do you grant the same privilege to heads of Departments?

Mr. PROCTER. And in this instance the promotion was made from the three highest, although there is no provision in the regulations to that effect.

Mr. BAILEY. It was made from the three highest?

Mr. PROCTER. It was made from the three highest.

Mr. BAILEY. I will ask, if the committee is willing, that the secretary of the board, Mr. Doyle, who is present, be placed on the stand to state whether the commission did select one of the three highest in this case.

The CHAIRMAN. That is a matter which will come up later. Proceed with the cross-examination. It would not be regular to call Mr. Doyle now.

Mr. PROCTER. I am perfectly willing to have Mr. Doyle make the statement right here.

The CHAIRMAN. We do not care to have it done now.

Mr. PROCTER. I think it would be advantageous to have it come right in here.

The CHAIRMAN. Mr. Bailey, you can proceed with the cross-examination.

Mr. BAILEY. In the case of the transfer of Mr. Leet, from the District

of Columbia, to the Department of Agriculture, you do not dispute the fact of that transfer, as I understand it?

Mr. PROCTER. Certainly not. It was made on certificate.

Mr. BAILEY. Did the Department of Agriculture ask the Civil Service Commission to furnish the names of persons who were eligible to transfer?

Mr. PROCTER. I think the chief of the Division of Biology asked the secretary of the commission if he could give him a list of high-grade stenographers in the Departments who were drawing small salary and who could be transferred to a higher salary to do a very high class of work, and I believe the secretary of the commission did give him the names of a number of stenographers. He sent for them and gave them a test, and the man who passed the highest test happened to be Mr. Leet, who was in the navy-yard.

Mr. BAILEY. He was transferred, although he was a resident of the District, from the nonapportionment to the apportionment service?

Mr. PROCTER. He was transferred because, as I have stated, he was eligible to transfer under the rules.

Mr. BAILEY. What is the entrance examination to the position of fourth assistant examiner in the Patent Office?

Mr. PROCTER. Any examination along technical lines which the Patent Office, or the chief of that office, will indicate and the commission will hold.

Mr. BAILEY. Is there not a fourth assistant examiner examination, which has been in use for many years, for that position?

Mr. PROCTER. There is; but they have several times, I think, asked for specialists, who could not be had from the fourth assistant examiner examination, and the commission gave it to them, and would not hesitate at any time to give a special examination for a specialist.

Mr. BAILEY. Are you quite sure no one has ever been transferred besides Mr. Hatch on any other examination than the fourth assistant examiner examination?

Mr. PROCTER. I think there was a man transferred on the chemical examination.

Mr. BAILEY. Without taking the fourth assistant examiner examination?

Mr. PROCTER. I do not remember the character of the examination, but the commission has absolute authority to modify its examinations at any time, and will not hesitate to modify them to meet the requirements of a Department.

Mr. BAILEY. Does not the rule require that in those transfers persons to be transferred shall take the entrance examination for the position?

Mr. PROCTER. No, sir; that they shall take such examination as the commission may prescribe.

Mr. BAILEY. Does the rule say so?

Mr. PROCTER. It says:

"A person in any Department or office may be transferred within the same Department or office and the same branch of the service upon any test of fitness not disapproved by the commission."

Mr. BAILEY. Take the second proviso of section 2.

Mr. PROCTER. Do you want the whole section read?

Mr. BAILEY. The question I should like to ask is whether that proviso does not prescribe the original entrance examination in case any examination is required. For instance, would you not give the clerk examination for the transfer to the position of clerk, if any examination were required?

Mr. PROCTER. No; I would give the examination requested by the Department, that would cover it and meet the requirements of the Department.

Mr. BAILEY. I understood you to state that Mr. Degges was transferred from the position of usher at the White House to that of clerk in one of the Departments?

Mr. PROCTER. I do not know to what position he was transferred. I suppose it was that.

Mr. BAILEY. You so stated, I understand.

Mr. PROCTER. I take it for granted it was that of clerk.

Mr. BAILEY. Are the duties of an usher the same as the duties of a clerk?

Mr. PROCTER. The duties of an usher at the White House are frequently the duties of a clerk. They are a very much higher class of duties than the duties of an ordinary messenger or usher in the Departments.

Mr. BAILEY. You think it was perfectly proper to transfer him without examination?

Mr. PROCTER. I should have been willing to do so.

Mr. BAILEY. Can you explain why he was twice examined, and failed?

Mr. PROCTER. I can not.

Mr. BAILEY. For the same transfer.

Mr. PROCTER. He was not examined for the same transfer. He was examined, I think, long before there was any requisition for his transfer. I think he was seeking a transfer and asked for the examination himself. I do not know how that is. It is immaterial.

Mr. BAILEY. Is it a fact that the commission has given its consent to the Post-Office Department to pass over the names of persons who do not reside in a town when making selections for carriers?

Mr. PROCTER. The whole statement has been filed with the committee. Clause 8 of rule 8 has been also given, and the correspondence relating to it.

Mr. BAILEY. Is it a fact that a name was removed from the internal-revenue register of eligibles in Cincinnati on the ground that the eligible did not reside in Cincinnati?

Mr. PROCTER. I do not remember whether it was removed or whether the objection was sustained. Under clause 8 of rule 8 the objection would be sustained by the commission if made.

Mr. BAILEY. Would you object to turning to rule 8, clause 8, and letting me ask one or two questions in reference to it? Is it true that the first part of this section permits the commission in its discretion to divide the territory of the United States, outside of the District of Columbia, into districts?

Mr. PROCTER. Yes.

Mr. BAILEY. And prepare registers for those districts?

Mr. PROCTER. Yes.

Mr. BAILEY. Is it a fact that in the second part of that section any eligible may elect to have his name entered on any one of these registers?

Mr. PROCTER. He may.

Mr. BAILEY. And the commission have a right to remove his name if he does elect——

Mr. PROCTER. It would, because the other part of the rule says:

And an eligible shall be certified, in his order, to vacancies in the section or district in which he resides.

Mr. BAILEY. I think perhaps you did not quite understand my question. It says here:

And an eligible shall be certified, in his order, to vacancies in the section or district in which he resides, and upon his written request to vacancies in any one or more of the other sections or districts.

Mr. PROCTER. He may be certified, but that gives him no right. If the appointing officer wants to appoint him, we can certify him.

Mr. BAILEY. My question is whether you have a right to refuse the certification?

Mr. PROCTER. I think we have a right to take him off the certification if the appointing officer objects.

The CHAIRMAN. I think it would be best to ascertain the facts in the case.

Mr. PROCTER. All the facts have been given you.

Senator LODGE. We have all the facts, and this debate, it seems to me, is unnecessary.

Mr. PROCTER. I have given to the committee every fact relating to all the cases, the entire correspondence, and the committee can decide for itself whether the commission have followed the rules.

The CHAIRMAN. That is what we want.

Mr. BAILEY. I understood you to say that the commissioners went to the President for an interpretation of certain rules. Was that interpretation oral or written?

Mr. PROCTER. Oral. The commission went in a body and asked him to interpret it.

Mr. BAILEY. That is all I care to ask.

CIVIL SERVICE COMMISSION.

TESTIMONY OF E. D. BAILEY—Recalled.

E. D. BAILEY was recalled.

Senator LODGE. I should like to ask Mr. Bailey a few questions, as I was not present when he gave his testimony the other day.

The CHAIRMAN. Yes; the Senator was not present at the time.

Senator LODGE. What position do you occupy in the Civil Service Commission, Mr. Bailey?

Mr. BAILEY. On the roster I am borne as a clerk. By designation of the commission my position is that of chief clerk in the chief examiner's division.

Senator LODGE. How long have you been there?

Mr. BAILEY. Since July, 1887.

Senator LODGE. Did the letter referred to, which you sent to Mr. Roosevelt, review the work of the commission?

Mr. BAILEY. The letter is in evidence. It could not be——.

Senator LODGE. I have not seen it.

Mr. BAILEY. It could not be said to review the work of the commission, but it made some statements in reference to the then existing condition of its work.

Senator LODGE. Did you furnish that letter or copies of it to anybody except Mr. Roosevelt?

Mr. BAILEY. I did not.

Senator LODGE. How did it get out?

Mr. BAILEY. I can not say. I have no knowledge as to how it got out.

Senator LODGE. Mr. Roosevelt testified here on the stand the other day that he showed it to no one.

Mr. BAILEY. Yes, sir; and his statement is entitled to as much credit as mine; and mine, I trust, is entitled to as much as his.

Senator LODGE. It got out without your knowing how it got out?

Mr. BAILEY. Yes, sir.

Senator LODGE. You did not send it to anyone?

Mr. BAILEY. I did not.

Senator LODGE. Are you aware of anybody else having it?

Mr. BAILEY. No, sir; I did not think anybody else had it who obtained it from me.

Senator LODGE. Were you a candidate for one of the Commissionerships?

Mr. BAILEY. No, sir; not in the ordinary sense of that designation. I have been asked a number of times if I was willing to have my name presented for Commissioner, and I think that one gentleman did so present it. I have never made application for the position. I have never urged anyone or asked anyone to present my name.

Senator LODGE. To whom was it presented for Commissioner?

Mr. BAILEY. I beg pardon.

Senator LODGE. To what President?

The CHAIRMAN. To what President was the application presented?

Mr. BAILEY. To President McKinley.

Senator LODGE. After he came in last spring?

Mr. BAILEY. Yes, sir.

Senator LODGE. Your name was presented at that time?

Mr. BAILEY. I do not know when it was presented. I saw in the Star that Mr. Walker, of Massachusetts, presented my name for the position of Commissioner.

Senator LODGE. It was done without your knowledge?

Mr. BAILEY. No, sir; it was not done without my knowledge. I had had conversations with him in reference to it.

The CHAIRMAN. Do you live in Massachusetts?

Mr. BAILEY. Yes, sir; I am from Worcester, Mass.

Senator LODGE. Did you have in mind any particular place on the commission? Which Commissioner's place did you expect to take?

Mr. BAILEY. I did not expect to take any Commissioner's place. I was not an applicant for any Commissioner's place.

Senator LODGE. Your name was presented, then, without your assent?

Mr. BAILEY. No; I can not say that. Mr. Walker was a friend of mine; I have known him a good many years, and in conversation with him he offered to present it and I consented.

Senator LODGE. Then he presented your name with your assent?

Mr. BAILEY. Yes, sir.

Senator LODGE. Do you not think that constitutes you a candidate for one of the places?

Mr. BAILEY. Possibly. A candidate usually, however, works pretty hard.

Senator LODGE. That is a question of degree, is it not?

Mr. BAILEY. That may be. I am not disposed at all to quibble about the matter. Those are the facts. May I make a statement, Mr. Chairman?

The CHAIRMAN. Yes.

Mr. BAILEY. I should like to say that it is not true that I have been a month in preparing the statement which has been presented to the committee. It is not even true that I have been making memoranda

with a view to preparing such a statement. The statement which I have presented here was prepared by me, I think, on Friday or Saturday of last week; perhaps I had better say Thursday or Friday, as it was with a view of possible presentation on Friday or Saturday.

The only reference which I had to the records of the commission was to the minutes, and I made reference to the minutes before the commission requested me not to do so. I suppose it was a fact that on my desk, openly before the clerks, I was reading the minutes when the request came to me not to refer to the records. I respected the request, and presented the facts which I did present, except such as I had already obtained by reference to the minute book, which was in my possession, without any reference to the records and without questioning any clerks with reference to the facts I was to present. So it is not true that I have consumed any considerable time in preparation. On the other hand, except as I have stated, I have simply reviewed facts as they have transpired before me, and have not made elaborate preparation to present any case against the commission.

I will add that it has been a matter of gratification to me that the president of the commission has not found me in any very serious error in my statement of facts. It is for the committee to say whether or not the facts have the bearing I have given them.

The CHAIRMAN. You stated a while ago that you desired to have Secretary Doyle sworn to prove some fact. I will state that you may have him sworn now in regard to the matter. It was not regular a little while ago.

Mr. BAILEY. I shall be very glad to have him state whether the selection of Mr. Ricketts was the selection of the third or fourth man on the list as it was made up by the promotion board.

TESTIMONY OF JOHN T. DOYLE.

JOHN T. DOYLE was duly sworn.

The CHAIRMAN. Mr. Bailey, you may ask Mr. Doyle in respect to the matter.

Mr. BAILEY. Mr. Doyle, you are secretary of the promotion board of the commission?

Mr. DOYLE. I am.

Mr. BAILEY. Were you present at the time the efficiency records for the promotion in question were under consideration?

Mr. DOYLE. I was.

Mr. BAILEY. Were there any changes made at that time in the statements of the different efficiencies as they were presented by the various chiefs of divisions?

Mr. DOYLE. There were.

Mr. BAILEY. Were there changes made in almost all the reports that were made by the chiefs of divisions?

Mr. DOYLE. In quite a number, to the best of my recollection.

Mr. BAILEY. It was a very general thing to make changes?

Mr. DOYLE. Yes. It was the first time the ratings in efficiency had been considered by the board of promotion, and there had been a difference of view among the different chiefs of divisions as to the proper markings to be given. The board consulted the different chiefs of divisions, and there was a reconciliation of the markings as at first presented to the board.

Mr. BAILEY. Were there any changes in the efficiency ratings of the men in your division?

Mr. DOYLE. Yes; I think there were in a few instances.

Mr. BAILEY. Were there any changes in the efficiency records of the men in Mr. Kiggins's division, the chairman of the promotion board?

Mr. DOYLE. I could not say now distinctly from memory, but I think likely there were.

Mr. BAILEY. When the promotion board had made up the register of eligibles, or the order in which the names should come, what was Mr. Ricketts's number?

Mr. DOYLE. As determined by the board?

Mr. BAILEY. By the board.

Mr. DOYLE. And ready for presentation to the commission?

Mr. BAILEY. Yes.

Mr. DOYLE. Mr. Ricketts was the fourth man.

Mr. BAILEY. That is all I care to know.

The CHAIRMAN. Mr. Procter, do you desire to ask Mr. Doyle any questions?

Mr. PROCTER. Which do you consider, based on the character and quality of work, the more entitled to the promotion at the time it was made, Mr. Ricketts or Mr. Wagner?

Mr. DOYLE. Mr. Ricketts. Mr. Wagner was a soldier, had been long in the service of the commission, and there was a good deal of sympathy felt for him on behalf of the members of the promotion board.

Mr. PROCTER. You were satisfied that Mr. Ricketts was more entitled to it on the basis which the commission had established, other things being equal, seniority not to count, but efficiency?

Mr. DOYLE. Regarding solely the efficiency of the service and the character of duties performed by the two men, and their respective efficiency, I consider Mr. Ricketts at the time as best entitled to the promotion given.

Mr. PROCTER. That is all.

ANTI CIVIL SERVICE LEAGUE.

Senator LODGE. Mr. Chairman, the other day I was asking Mr. Baker about an address. He said it was not made by the body which he represented. You remember I quoted it. He said it was not issued by his organization. The address was issued by the Anti Civil Service League of Washington City. I am not quite clear what that is.

Mr. BAKER. I am ready to be sworn on that, and other matters, if you wish.

Senator LODGE. I merely wish to put this in as coming from the Anti Civil Service League. You stated the other day that it was not issued by the body you represent.

Mr. BAKER. I say so now.

Senator LODGE. I find it was issued by the Anti Civil Service League of Washington, which I presume is another body, of course, because you said it was not your organization.

Mr. BAKER. I do not know of any other body bearing any such name except the one of which I am first vice-president and acting president. No such resolution as you read ever was passed by that body, and since the last meeting I have reread our records.

Senator LODGE. Here is an article from the Richmond Times, and I saw it in other papers.

Mr. BAKER. I can not help what you saw in the papers. It is false.

Senator LODGE. Perhaps you will allow me to read it.

Mr. BAKER. I have no objection to your reading it.

Senator LODGE. Then we will discuss it afterwards.

"The Anti Civil Service League of Washington City has recently issued an address to the Republicans urging voters to join them in a crusade against the present civil-service laws. The address is introduced as follows:

"'William McKinley, President of the United States by the grace of God and the efforts of the workers and zealous friends of the Republican party, having succeeded to the highest honors of this nation largely through your work and sacrifices, and having, in payment of his obligation to us, at the command of our and his political enemies, debarred us from any reward or participation in the Government, so far as the right to hold office under his Administration is concerned, we do earnestly and sincerely promise and obligate ourselves to devote our best efforts to the destruction of the civil service law now on the statutes of the United States as repugnant to justice and the obligations assumed toward us as Repuplicans and equal American citizens by the leaders of our party, who have shamelessly betrayed us into the hands of our enemies after a hard-won victory, and deprived us of any prospect of recognition from our own Administration, and this in return for favors earnestly sought for at our hands.

"This being the case, we voluntarily pledge our sacred honor (unless the civil-service law is modified or repealed) to advance by every means in our power the interests of William J. Bryan, simply on the condition that if elected he will honestly and thoroughly root out from our political system the rotten Chinese idea now known as civil-service reform."

That was the address I saw, and which I referred to the other day, supposing that it had come from the league you represent, but you say it did not.

Mr. BAKER. I never heard of it until you presented it the other day, and I never heard it full until now. No such address has ever been issued or considered by the Anti Civil Service League of which I am an officer.

Senator LODGE. That extract is taken from the Richmond Times.

The CHAIRMAN. Is there anyone else here who desires to make a statement? If there is I should like to know it, because we want to close the examination to-day.

Mr. BAKER. I should like to be sworn.

Mr. PROCTER. I wish you would hear Mr. Kiggins on the promotion of Mr. Ricketts.

TESTIMONY OF FRANK M. KIGGINS.

FRANK M. KIGGINS was duly sworn.

The CHAIRMAN. Mr. Procter, do you desire to conduct the examination?

Mr. PROCTER. Mr. Kiggins, I wish you would make a brief statement relating to the promotion of Mr. Ricketts.

Mr. KIGGINS. Suppose I read the record on that subject? It covers just about one page, I think.

Mr. BAILEY. Mr. Chairman, may I ask what record the witness is about to read?

The CHAIRMAN. Yes.
Mr. BAILEY. What record is it?
Mr. KIGGINS. The record of the promotion board.

"APRIL 20, 1897.

"MEMORANDUM OF THE ACTION OF THE PROMOTION BOARD OF EXAMINERS.

"In view of the fact that the recent promotions made by the commission do not seem to conform to the promotion regulations, the board of promotion deems it to be due to itself and to the commission that the following statement of facts be made:

"On receipt of a request from one of the Commissioners, the promotion board held a meeting at 4 o'clock on April 8 to consider the efficiency of clerks in class 1 and below that class, and to prepare a certification, with a view to promotions, made necessary by an existing vacancy.

"It was found that the method of marking efficiency by the different chiefs of divisions was not uniform, and the board, in pursuance of its duty in the matter, proceeded to revise the efficiencies in such a way as to place the different divisions as nearly as possible on the same basis.

"About two hours were spent in the revision of the marks, and although the revision could not be said to satisfy each member of the board in all respects, yet a unanimous agreement was reached in every case. The result of the marking gave the same general average to Messrs. Wagner and Ricketts. It was found that the certification for promotion from first class to second class would contain the names of Messrs. Butler, Pepperman, and either Wagner or Ricketts. The board agreed that Mr. Wagner was entitled to the certification, in preference to Mr. Ricketts, in view of the fact that he had been longer in Government service, longer in the service of the commission, and had had no promotion."

I wish to state in this connection that his efficiency was also mentioned, and upon the objection of Mr. Doyle and myself there was no mention of Mr. Wagner's efficiency.

"The records show that Mr. Ricketts came into the service November 20, 1893, and has twice since that time been promoted. They show that Mr. Wagner entered the Government service April 12, 1890; that he was detailed to the Civil Service Commission August 16, 1892, and transferred July 31, 1894. Hence, it appears that he has had three and one-half years more service than Mr. Ricketts, and thirteen months more of service with this commission than Mr. Ricketts, while the latter had received two promotions and the former none.

"The board separated with the understanding that the secretary should make the following certifications to the commission:

"For promotion from class 1 to class 2, Butler, Pepperman, Wagner.

"For promotion from class $1,000 to class 1, Roberts, Campbell, Fisher.

"For promotion from class $900 to class $1,000, Searle, Hillis.

"For promotion from class $840 to class $900, Miss Corbin.

"The chairman of the board volunteered to prepare a statement for the commission embodying the substance of the foregoing facts. Subsequently it was discovered that the element of excessive absence had not been taken into consideration, and the slips were returned to the

chiefs of division by whom originally executed for correction, which corrections were made without affecting relative standing.

"The chairman was requested to call a meeting of the board if any changes in the relative standing of clerks was made. As no change was made, no meeting was called; but the slips which were taken from the secretary were not returned to him for certification, but were given direct to the commission.

"The board regrets that the commission considered the efficiency records (informally submitted) before a formal certification was made. It was the intention of the promotion board to submit a formal certification to the commission, with a report to be prepared by the chairman of the board.

"F. M. KIGGINS, *Chairman*,
"JOHN T. DOYLE, *Secretary*,
"E. D. BAILEY,
"*Promotion Board.*"

After that I made this statement with the consent of the other two members of the board, explaining how the efficiency ratings were presented to the president of the commission:

"To the COMMISSION:

"In addition to the accompanying statement from the board of promotion, it is necessary, in order that the record may be complete, that the following supplementary statement be made:

"On the morning of the 9th, after the meeting of the board of promotion, I discovered that the efficiency ratings prepared by some of the chiefs of division did not take excessive absence into account in certain cases."

I will say in connection with this statement as to excessive absence that those clerks who were absent in excess of thirty days allowed by law for annual leave were proportionately reduced in their efficiency ratings.

I informed the secretary of the board of this fact, who handed to me the slips containing the efficiency ratings in order that the proper corrections might be made. The efficiency slips were accordingly returned to three of the chiefs of division for correction. The slips were not handed back to me until the 10th, and much of my time on the 9th as well as the 10th was taken up in an effort to collect the slips for return to the secretary. I handed the slips to the secretary on the 10th with the corrections made by the several chiefs, and from those slips as corrected the ratings were prepared in the secretary's office. The corrections made placed Mr. Pepperman fourth on the list of those eligible for promotion to class two, with an average of 90.15. After this record was prepared, it seems that Mr. Bunn discovered that he had not computed excessive absence in the same manner as it had been computed in the other divisions, and he requested of the secretary permission to withdraw his efficiency slips for correction. The efficiency slips were then brought to me by Mr. Strattan, of the secretary's office, who informed me of Mr. Bunn's desire, and I returned the slips to him to make the corrections according to his records. I noticed after he returned the slips that the rating of Mr. Pepperman had been increased from 90.15 to 90.4, his first rating.

"The dissatisfaction with the form of efficiency record expressed by two of the chiefs of division charged with the duty of making efficiency

ratings, as well as the vexatious delays in making those ratings, prompted me, on the afternoon of the 10th instant, to hand a written statement to the president of the commission, requesting to be relieved from further duty as a member of the board of promotion. At the time I had the efficiency ratings on my way to the secretary and handed them to the president of the commission, informing the secretary of the fact, who was thereupon called in by the president of the commission.

"Very respectfully,

"F. M. KIGGINS."

On April 23 the commission in a memorandum called the attention of the promotion board to the delay that had occurred in making a certification to fill the existing vacancy. The commission stated that the submission of the efficiency ratings of all of the clerks was regarded as the certifications of the promotion board, that the promotions were made strictly in accordance with the spirit of the rules, and that the case was closed.

I wish to state in the same connection that Mr. Wagner had longer service with me than with any other chief of a division in the commission. I found him to be one of the least efficient in his class. The only reason why Mr. Doyle and I agreed that he should go on certification was on account of the fact that he was a soldier and because of his long service in the commission.

Mr. PROCTER. You are aware that in making the promotion of Mr. Ricketts it was the unanimous action of the commission?

Mr. KIGGINS. It was the unanimous action of the commission as shown by the minutes.

Mr. PROCTER. In your judgment was Mr. Ricketts the man most entitled, because of the character of his services, to the promotion?

Mr. KIGGINS. Without any question whatever. But I regard Mr. Butler and Mr. Pepperman, who have since been promoted, as very efficient in their respective lines.

Mr. PROCTER. Do you think, Mr. Kiggins, that any question of politics entered into the promotion of Mr. Ricketts or Mr. Risk, as indicated by Mr. Bailey?

Mr. KIGGINS. None whatever. I recommended both clerks for promotion.

Mr. PROCTER. Do you know their politics?

Mr. KIGGINS. They are not of the same politics.

Mr. PROCTER. As you are?

Mr. KIGGINS. That is as I understand it.

Mr. PROCTER. They are of opposite politics?

Mr. KIGGINS. They are of opposite politics. I am not sure as to Mr. Risk's politics, but I understand Mr. Ricketts was a Democrat.

Mr. BAILEY. In order that the real fact at issue may not be obscured, may I ask whether Mr. Rickett's name was fourth on the list of eligibles as agreed to by the board of promotion?

Mr. KIGGINS. I read the record there, but I want to make a further statement.

Mr. BAILEY. I should be very glad to have a direct answer to the question whether he was fourth on the list.

Mr. KIGGINS. As the eligible list was first prepared in the secretary's office for presentation to the commission Mr. Ricketts was second on the list, and that record shows where his name was erased on account of the fact that Mr. Bunn changed the rating of Mr. Pepperman because he had not taken into consideration excessive absence in the same way as the other chiefs.

Mr. BAILEY. I am not asking what the various mutations may have been; but as the list was prepared with a view to certification to the commission, what was Mr. Ricketts's number on the list?

Mr. KIGGINS. The board agreed that the list should be Butler, Pepperman, Wagner.

Mr. BAILEY. Ricketts?

Mr. KIGGINS. The board was undecided as to whether it had the right to keep Ricketts out of the certification, because he had the same average as Mr. Wagner.

Mr. BAILEY. No; but what I am asking is, what they actually agreed to, not how they debated the question.

Mr. KIGGINS. I have read the record. It shows clearly that the board agreed that the certification should be Butler, Pepperman, Wagner.

Senator LODGE. Does the rule require that only three names shall be certified?

Mr. KIGGINS. It does not so require, and the commission has the option of selecting from the whole list.

Mr. BAILEY. Do you mean to say that the civil-service rules which govern certifications allow any officer to select from the whole list?

Mr. KIGGINS. I make this statement, that the promotion regulations of the commission for its own office——

Mr. BAILEY. I am talking of the rules.

Mr. KIGGINS. I will reach the rules. The promotion regulations of the commission for its own force have no provision to the effect that three names shall be certified. The promotion rule upon which those regulations are based, rule 11, has no provision to that effect.

Senator LODGE. The requirement of certifying three names applies simply to those entering the Government service?

Mr. KIGGINS. Yes, sir.

Senator LODGE. It has no relation to promotions?

Mr. KIGGINS. It has no relation to promotions.

Mr. BAILEY. Is there anything in the rules that limits it to original entrance?

Mr. KIGGINS. There is a promotion rule which is very specific on that point, and it provides that certain regulations shall be prepared in accordance with that rule; but there is nothing bearing on the certification of three persons.

Mr. BAILEY. You prepared or had much to do with the preparation of the regulations adopted in the several Departments. Can you tell me whether the requirement for the certification of three names is included in the regulation for other Departments than the Civil Service Commission?

Mr. KIGGINS. I think it is; I think that requirement is in the other regulations. I had nothing to do with the preparation of the commission's regulations.

Mr. BAILEY. Do you know whether it was the purpose of the commission to reserve to itself a right which it would not give to other Departments?

Mr. KIGGINS. I know nothing about that.

Senator LODGE. The matter of promotions is wholly extralegal?

Mr. KIGGINS. How is that?

Senator LODGE. It is wholly outside the law. The civil-service law has nothing to do with promotions.

Mr. KIGGINS. The civil-service law mentions promotions. It states that promotion regulations shall be provided; that is, in effect. I will read that passage.

The CHAIRMAN. It leaves it within the discretion of the commission to say what they shall be?

Mr. KIGGINS. Yes, sir.

Senator LODGE. The promotion regulations of the different Departments are wholly within the discretion of the heads of those Departments?

Mr. KIGGINS. Not entirely. The promotion regulations must be formulated by the commission after consultation with the heads of the several Departments.

Mr. PROCTER. But they can not be formulated or promulgated unless approved by the heads of Departments?

Mr. KIGGINS. No; they can not be.

Mr. BAILEY. Do you take the same view of it that Mr. Procter did, that they may be entirely nullified by the Departments after they have been prepared?

Mr. KIGGINS. The matter of the enforcement of the regulations in the Departments is something the commission has not been able to control.

The CHAIRMAN. I think that is purely speculative and something with which we have nothing to do.

TESTIMONY OF WILLIAM R. BUSHBY.

Mr. BUSHBY. Mention was made by Mr. Bailey in his evidence in regard to the organization of the certification division He referred very pleasantly to me, but all of the facts in regard to the organization of that division were not indicated by Mr. Bailey, and, if the committee think it is of sufficient importance, I should like to file a statement showing the successive steps in the organization of the commission. If not, I will simply withdraw the suggestion.

Senator LODGE. Let the statement be filed.

The statement referred to is as follows:

"Concerning the organization of the certification division, and especially concerning the statement that there is an anomalous condition of affairs in that division, I desire to say that on the 10th of February, 1897, the commission directed me to arrange for the organization of the certification division. No steps were taken to do this until the 11th of February, after 4 p. m. The records from the postal, customs, and internal-revenue division and those from the Secretary's office pertaining to certifications were moved to the room which had been approved by the commission as the one to be used by the certification division. The work was accomplished without any interruption of current business, and at 9 o'clock on the 12th of February, 1897, the division was ready to issue certifications and to carry on the work assigned to it without inconvenience or delay to any of the Departments.

"The division was organized by the assignment of seven clerks from the chief examiner's division and two clerks from the secretary's division. To this force there have been added, from time to time, certain of the detailed clerks who were ordered to report for duty with the commission. At present there are in the certification division ten clerks who are on the rolls of the commission, and twelve clerks who are on detail from the various Departments.

"The certification division takes up the work after it leaves the examining division and averages the papers of the competitors, making a record of the number examined, the number that passed, and the

number that failed for each kind of examination. The papers of such of the competitors as pass the examinations are then entered upon the various registers. The records, therefore, to which reference has been made, are not those of the chief examiner or those of the secretary, but belong to the official records of the commission. The work has been systematically arranged, the records have been simplified, and all unnecessary work has been eliminated; and the placing of this work under one person is not considered as creating an anomalous condition of affairs."

TESTIMONY OF HENRY M. BAKER.

HENRY M. BAKER, being duly sworn, testified as follows:

Mr. BAKER. Various testimony has been given and statements made before the committee——

The CHAIRMAN. We should like to have you confine yourself to a statement of such facts as you desire to give to the committee, and to refrain from comment on the evidence.

Mr. BAKER. My statement is in relation to the expense of conducting the public business in the several Departments before and since the passage of the civil service act of 1883, and the number of persons who were and are employed.

First, as to the Treasury Department: The statistics which I shall give as to that Department are brought down only to the year 1894, on account of the great change made in the personnel of that Department under the Dockery bill. The others will be brought down to the latest date I have.

The appropriations for clerical service in the Secretary's office in 1882 were $319,460; in 1894, $489,304.50; in the First Comptroller's office in 1882, $76,500; in 1894, $92,480.

The CHAIRMAN. I suggest that you file those statements which are in the nature of tables.

Senator LODGE. Statistics. You may insert them and then proceed with your statement.

Mr. BAKER. The statement will express these figures, and there is no way in which the statement can be made any shorter than I am making it, because I am omitting all but two items of the statement.

The CHAIRMAN. Very well; proceed. However, let me ask you from what do you take the figures you quote?

Mr. BAKER. From the appropriation acts, the legislative, executive, and judicial acts.

Senator LODGE. It does not seem to me that this is evidence. It is a discussion of statistics, and we are here to hear evidence.

Mr. BAKER. Such statements have been made heretofore by every witness.

Senator LODGE. There is no objection to their being filed.

The CHAIRMAN. Proceed.

Mr. BAKER. In the Second Comptroller's Office the appropriation for 1882 was $98,320; for 1894, $97,820; Commissioner of Customs' Office, 1882, $49,630; 1894, $49,430; First Auditor's Office, 1882, $84,310; in 1894, $88,810; Second Auditor's Office, in 1882, $219,370; and in 1894, $315,490.

I will omit the rest of these figures for the Treasury. They run in about the same way.

In the Treasury Department there have been new offices or divisions established since 1882 now appropriated for as follows: Bureau of Navi-

gation, $26,080; Secret Service Division, $11,620; Office of Standard Weights and Measures, $5,690; Office of Supervising Surgeon-General Marine-Hospital Service, $25,920; Bureau of Immigration, $10,560; aggregating $79,870, all absolutely new positions since the civil-service law was enacted, and the duties of those positions were performed prior to that time generally by clerks from the office of the Secretary of the Treasury.

For the State Department in 1882 there was appropriated $116,440; in 1897, $120,020; for the War Department in 1882, $69,640; in 1897, $94,300; for the Navy Department, Secretary's Office, 1882, $36,900; in 1897, $47,570. Bureau of Navigation, 1882, $7,180; 1897, $29,720. Judge-Advocate-General, Navy Department, 1882, $2,600; 1897, $10,360. Bureau of Steam Engineering, 1882, $11,290; 1897, $11,140. Bureau of Construction and Repair, 1882, $10,980; 1897, $11,980. Bureau of Ordnance, 1882, $7,980; 1897, $11,780. Bureau of Medicine and Surgery, 1882, $8,380; 1897, $8,740. Bureau of Yards and Docks, 1882, $11,980; 1897, $8,980.

Several new bureaus have been established and are now appropriated for under separate titles which had no existence in 1882.

For the Department of Labor, that office being made a Department in 1889, the appropriation then was $84,540; in 1897 it was $102,540.

The CHAIRMAN. Do you think the increase is due to the fact that we have a Civil Service Commission?

Mr. BAKER. In part it is. The claim has been made here repeatedly that the Civil Service Commission has reduced expenses, and the object of this testimony is to show exactly the reverse.

Senator LODGE. Your figures show that it costs more to run the Government now than it did in 1882. We have a larger force now, which no one denies, I think.

Mr. BAKER. But taken in connection with the testimony heretofore given——

Senator LODGE. This does not seem to have any relation to that testimony. However, proceed.

Mr. BAKER. For the Department of Agriculture, Secretary's Office, in 1882 there was appropriated $45,000; in 1897, $94,340. The other divisions run about the same, as follows:

Division of chemistry, 1882, $9,000; 1897, $17,100. Division of botany, 1882, $3,000; 1897, $8,800. Division of entomology, 1882, $3,200; 1897, $9,500. Division of statistics, 1882, $10,800; 1897, $35,160. Division of microscopy, 1882, $1,800; 1897, division abolished.

Since 1882 eleven new divisions have been established and investigations have been ordered annually, so that the whole additional expense is equal to $250,000. The Bureau of Animal Industry was established in 1884, and for several years its entire expense was limited to $100,000. Now for its local clerical service alone $67,000 are expended annually, and the general expenditure has reached nearly three-quarters of a million dollars.

For the Interior Department, Secretary's office, in 1882 the amount appropriated was $123,190; for 1898, $230,830; Assistant Attorney-General's office, for 1882, $9,540; 1898, $42,650.

The CHAIRMAN. Is the increase of appropriation due to the fact that they have employed an additional number of clerks in the office of the Assistant Attorney-General for the Interior Department?

Mr. BAKER. I suppose they have employed quite a number of additional clerks, but I think it would trouble anybody to find out where so great an amount of work has come from as the increased appropriations imply.

The CHAIRMAN. It shows an increase of clerks.

Mr. BAKER. It shows an increase of clerks and an increase of expenditure under the civil service, when the Civil Service Commission makes the claim that it produces both economy and efficiency.

For the General Land Office in 1882 the appropriation was $287,820; in 1898, $488,850; for the Indian Office in 1882, $82,780; 1898, $115,020, and so on through nearly all the Departments.

Senator LODGE. These appropriations show nothing. What we want is the number of clerks employed?

Mr. BAKER. I will come to that in a moment.

Senator LODGE. What are the totals for the Interior Department?

Mr. BAKER. The total appropriation?

Senator LODGE. No; the total number of clerks employed in the Interior Department in 1883 and 1896?

Mr. BAKER. I can not give you those dates, but I can give you the information as to some dates which I have.

Senator LODGE. That is the only thing that concerns the committee—the total number of clerks employed.

Mr. BAKER. I will give it to you. Here is a statement compiled from pages 1037, 1038, and 1039 of volume 1 of the Official Register of the United States for 1895, and from pages 1071, 1072, and 1073 of volume 1 of the Official Register for 1897, showing the whole number of persons employed in the Departments at Washington on the 1st day of July in each of those years.

State Department:		
1897	86	
1895	81	
Increase		5
Treasury Department:		
1897	4,255	
1895	4,191	
Increase		64
War Department:		
1897	1,193	
1895	1,193	
Increase		None.
Navy Department:		
1897	282	
1895	286	
Decrease		4
Post-Office Department:		
1897	633	
1895	627	
Increase		6
Interior Department:		
1897	3,629	
1895	3,438	
Increase		191
Department of Justice:		
1897	137	
1895	124	
Increase		13
Department of Agriculture:		
1897	715	
1895	601	
Increase		114

Department of Labor:		
1897	102	
1895	94	
Increase		8
Government Printing Office:		
1897	3,111	
1895	2,669	
Increase		442
Net increase of officers and employees		839

I will say, Senator, that the reason why this was not carried back further is because the Blue Book does not aggregate it prior to 1895, and I have not the time nor the people at my service to make aggregations beyond those officially made.

Senator LODGE. Those figures simply show the increase during the last two years?

Mr. BAKER. In the last two years, when the civil service has had the utmost sweep.

Senator LODGE. It affords no basis of comparison whatever with the time when the service was not under civil service. It is simply comparing one year of civil service with another year of civil service.

Mr. BAKER. That is true, but it shows that in those years there was a regular increase, while the commission has uniformly claimed here that it was producing a decrease.

Senator LODGE. What we want is a comparison.

Mr. BAKER. The comparison would be much worse for the civil service theory if extended as you suggested.

Senator LODGE. We want a comparison of the two systems, as I understand it.

Mr. BAKER. A comparison of the two systems I should be very glad to present to the committee.

Senator LODGE. For instance, I have here the figures of the total number of clerks of certain classes in the Departments classified in 1883. There were then 5,523, and in 1896 there were 5,312, and in the meantime the business of the Government has grown enormously, as everybody knows.

Mr. BAKER. There can not be only 5,000 altogether, when there were in the Treasury alone 4,000——

Senator LODGE. Do you include simply classified clerks?

Mr. BAKER. Simply the names given in the Blue Book.

Mr. PROCTER. Do you include persons only in the District of Columbia, or persons outside of Washington borne on departmental rolls?

Mr. BAKER. I include just exactly what the Blue Book gives in its tabulation at the close of volume 1.

Mr. PROCTER. Do you not include persons outside of Washington?

Mr. BAKER. No.

Mr. PROCTER. Yes; I see from the register that you do. Those persons were not then classified.

Mr. BAKER. Were not classified in 1895?

Mr. PROCTER. No; they were not.

Mr. BAKER. So far as that is concerned, you are not accurate, as you will see, by referring to any one of these statements. The State Department has more than 86 persons in its entire employ; the Treasury Department has more than 4,255 in its entire employ. It refers only to the employees in the city of Washington.

Mr. PROCTER. "Persons." You include persons not clerks.

Mr. BAKER. I include everybody who is in the employ of the Government in the respective Departments in the city of Washington.

Mr. PROCTER. Are you aware of the fact that the lower grades, messengers and watchmen and skilled laborers, were not classified at that time?

Mr. BAKER. At what time?

Mr. PROCTER. The time covered by your figures in the District of Columbia.

Senator LODGE. In your figures you include a great many unclassified persons.

Mr. BAKER. It includes unclassified and classified, unquestionably; but everything was classified in 1897 that is classified now.

Mr. PROCTER. It was not classified in 1895.

Mr. BAKER. It may or may not have been; but that does not militate against the statement I have made—which is borne out by these figures—that the Civil Service Commission has not produced economy; that it has not produced a diminution of office holding; and, if it could be reduced to figures, it could be equally shown that it has not produced efficiency; and that I can prove by testimony if the committee want me to go into that.

Mr. PROCTER. Have you anything to discredit the table which is published on page 706?

Mr. BAKER. I do not know what that table is. I have not seen it.

Mr. PROCTER. I merely wish to have it put in the record alongside of your statement.

Mr. BAKER. I am perfectly willing that anything should go in.

The statement was made here the other day, as coming from a late Assistant Secretary of the Treasury, that civil-service reform had reduced the expense of collecting the revenues from customs 25 per cent. That is in the record of the committee.

In the Statistical Abstract of the United States for 1896, the nineteenth number, page 27, is a table showing the internal and customs revenue and the expense of collecting it from 1858 to 1896.

Mr. PROCTER. I want to call your attention to an error there. I think you ought to be accurate when you quote. Assistant Secretary Hamlin did not say that it reduced the cost of collecting the revenue, because that is determined by the amount of imports. What he said was:

> As to the application of the civil-service rules to that branch of the Government service relating to customs, from the experience I have had in the Treasury Department during the past four years I am of the opinion that there has resulted a saving to the Government of at least 25 per cent in cost. From the point of view of efficiency I believe the saving to have been greater.

The CHAIRMAN. Have you the records showing the amount of money it costs to collect the revenue?

Mr. BAKER. I have, and Assistant Secretary Hamlin said there had been a saving of at least 25 per cent in the cost of collecting the revenue from customs, which I am prepared to show is not correct.

The internal-revenue service was not put under the Civil Service Commission, if I am accurate, until December 12, 1894. Is that correct?

Mr. PROCTER. That is correct.

Mr. BAKER. I am going to compare two years. In 1882 there were $146,497,595.45 of internal revenue collected; in 1896 there were $146,762,864.74 of internal revenue collected—just a trifle more than the collection of 1882. It cost $4,097,241.34 to collect the internal revenue in 1882, or 2.80 per cent. In 1896 we collected a trifle more of revenue and it cost only $3,846,887.55, or 2.62 per cent.

Senator LODGE. What did it cost in 1895?

Mr. BAKER. Three million seven hundred and fifty-four thousand nine hundred and thirty-five dollars and forty-five cents, being still less. It cost, in 1894, 2.55 per cent to collect the internal revenue, costing 2.80 in 1882, showing a diminution during all the time the service was not under the civil-service rules. But as soon as it was put under the civil-service rules, namely, the very next year, in 1895, the percentage jumped from 2.55 to 2.62, where it remained for the following year. That is the record of internal revenue.

Let us take the customs. In 1882 of customs revenue there were $220,410,730 collected, at a cost of $6,506,359.26, or 2.95 per cent. That was all it cost in 1882. In 1896 there was only $160,021,751.67 collected, but it cost $7,237,796.40 or 4.52 per cent to collect it. In other words, the collection in 1896 was $60,388,978.58 less than it was in 1882, and it cost $731,437.14 more to collect it. Ninety-five per cent of this service has been under the Civil Service Commission all that time.

Senator LODGE. Do you think that the cost of collecting the revenue ought to diminish in proportion to the diminution of revenue?

Mr. BAKER. No, sir; but I think it ought not to cost more to collect $160,000,000 than it did to collect $220,000,000, or more by $731,437.14 to collect $60,000,000, short, after it had been fourteen years under the civil-service régime than it did before.

I asked a question here some time ago in regard to details from the Treasury Department to the commission, and I have prepared a list of the number of employees in the appointment division of the Treasury Department. I find from the Blue Book that there were in 1881, 20; in 1895 there were 24; in 1897 there were 28, and if to that 28 you add the 17 detailed from the Department to assist the Civil Service Commission, it is evident that while the Treasury Department had 20 clerks employed on appointments in 1881, it had 45 in 1897.

In the hearings before the subcommittee of the House Committee on Appropriations the Civil Service Commission undertook to give some authority for its details. It quoted one part only of section 4 of the legislative, executive, and judicial appropriation act for the year ending June 30, 1883, 22 Statutes ——

The CHAIRMAN. I suggest to you that we will be glad to hear any facts you have to present, but this is purely a question of law.

Mr. BAKER. I simply wish to call the attention of the committee to that section and to where it can be found, 22 Statutes, 255. That is all.

TESTIMONY OF W. W. MATTHEWS.

W. W. MATTHEWS, being duly sworn, testifies as follows:

The CHAIRMAN. Is your name W. W. Matthews?

Mr. MATTHEWS. It is.

The CHAIRMAN. I have been informed by Senator Gear that you desire to make a statement to the committee with respect to your application for a transfer from the Interstate Commerce Commission to the Internal-Revenue Bureau.

Mr. MATTHEWS. I did not tell Senator Gear that. One of the clerks in the office, who is one of Senator Gear's appointees, stated that he would like to know something about the procedure of the civil service in making transfers, as he might want to be transferred. I simply gave it to this clerk, and afterwards told him that I did not know anything about it, as I have handed a written statement to you. No statement that I could make would, I think, be of any benefit to the committee,

at all; because my application was withdrawn, and I suppose it is ended. I do not think I could give to the committee anything that would be of value.

The CHAIRMAN. It is due the commission that I should ask you one question, because a certain individual has written Senator Gear that you stated that the commission told you if you would take the internal-revenue examination they would coach you, or prepare you, to enable you to answer the questions. Was any proposition of that kind ever made to you by any member of the Civil Service Commission?

Mr. MATTHEWS. I suppose, in relation to that, there is nothing more than I was instructed to call on the Commissioner of Internal Revenue and get certain papers and books from him with which to post myself as to practical gauging and distilling, and all that, which I did. I realized at the time that, as I knew nothing about practical gauging and distilling it, would be of little value to me.

The CHAIRMAN. It was nothing more or less than the duty of the commission so to inform you?

Mr. MATTHEWS. When I got those books and read up all I could on the internal-revenue business, I realized that I could not pass in a practical way, and as the position held by Featherstone, under Collector Agnew, in Alexandria, then was a clerical one, I waited until Commissioner Forman returned to the city. He said he would recertify me to a clerical position. I think he saw Chairman Procter, of the Civil Service Commission, and telephoned to me to come to the Treasury Department. I went over there and he told me he had seen Procter, and that, under the circumstances, he understood him to say, he would waive an examination in my case, and for me to call at the Civil Service Commission's rooms and I would be certified down there.

That was the last part of it. I went up there, and Commissioner Procter said he did not understand it that way; that he still thought the examination was necessary, and Mr. Serven also thought so. I went back to see Commissioner Forman, and he wrote Mr. Procter a personal note, stating to him that he thought and understood in his last conversation that he would waive an examination in my case for the transfer, as I was under the civil service, a clerk in the Interstate Commerce Commission. Mr. Procter said he did not know; but Commissioner Forman then recertified me to the Civil Service Commission to a clerical position. He said he thought that would settle it all, and for me to take this letter to Commissioner Procter.

He looked at it and Mr. Serven handled it. If I understand aright, he said if the other Commissioners were willing he would allow the examination to be waived, but some of the other Commissioners were not present at the time, and Mr. Serven, if it was he who was with me, stated to me that I would have to come back again; that the commission would have a meeting that evening and would notify me whether I would have to stand an examination.

I went back the next day, I think, or a day or two afterwards, and they said I would have to stand an examination. They said it was noncompetitive. I was advised to attempt to take it, and I submitted for the examination. I do not think the first questions proved any too hard, or anything of that kind, but when they examined me as to practical gauging I saw I could not pass. I simply made the statement in writing that the position to which I was to be assigned, or had been recertified, was a clerical one, and that I understood the examination would be waived. After that I called up there to see if I had passed, but they said I had not, and I saw Mr. Agnew afterwards.

Mr. Forman in the meantime had gone out. He said he would see about it in a day or two and have me recertified for another examination. He thought I could take another examination. I saw him two or three days afterwards. He said, "They are going to take all this business—the deputies—from under me, and my Virginia friends want it;" and he said, "You had better drop it." I was willing to drop it by that time. I stopped right there. That is all I know about it.

The CHAIRMAN. That ended the matter?

Mr. MATTHEWS. Yes, sir.

Senator LODGE. They gave you certain books, did they not?

Mr. MATTHEWS. The Commissioner of Internal Revenue. I got three over there. I was instructed to get one. I did not have exactly the right one, and I got another one, and then I went and got another one. I have them down at the house now. I did not know any more, so far as gauging is concerned, from what information I could get from the books, than I knew before I read them. I knew a sight less. I did not even attempt to answer.

The CHAIRMAN. They handed you series 7, No. 7, which gave you information about gauging?

Mr. MATTHEWS. The books simply set out some of the questions, or gave samples.

The CHAIRMAN. You need not proceed further. The statement was made that they proposed to coach you. You say that is not true?

Mr. MATTHEWS. They said I would find information in the books. I did not know whether I could pass or not.

The CHAIRMAN. That will do.

Mr. PROCTER. I might add that the manual of instruction is sent to all applicants.

Senator LODGE. And specimens of examinations?

The CHAIRMAN. I understand that. I have had a good deal to do with the internal-revenue service.

The subcommittee adjourned.

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TESTIMONY

TAKEN BY

A SUBCOMMITTEE

OF THE

COMMITTEE ON CIVIL SERVICE AND RETRENCHMENT

OF THE

UNITED STATES SENATE

IN RELATION TO

THE DISMISSAL OF CERTAIN EMPLOYEES OF THE BUREAU OF ANIMAL INDUSTRY AT SOUTH OMAHA, NEBRASKA.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1897.

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TESTIMONY TAKEN BY A SUBCOMMITTEE OF THE COMMITTEE ON CIVIL SERVICE AND RETRENCHMENT OF THE UNITED STATES SENATE IN RELATION TO THE DISMISSAL OF CERTAIN EMPLOYEES OF THE BUREAU OF ANIMAL INDUSTRY AT SOUTH OMAHA, NEBR.

MILLARD HOTEL,
Omaha, Nebr., October 21, 1897.

The subcommittee met at 10 o'clock a. m.

The CHAIRMAN (Senator PRITCHARD). This inquiry is to be pursued by direction of a resolution adopted by the Senate March 23, 1897, which is as follows:

"*Resolved*, That the Committee on Civil Service and Retrenchment be, and they are hereby, directed to examine and report to the Senate if Dr. W. S. White, William Holmes, John Zeller, Mary A. Dalton, and Mary Flynn, or any of them, were dismissed from their positions as microscopists in the Bureau of Animal Industry at South Omaha, in the State of Nebraska, and if so, for what reason or reasons; and if for a political reason or reasons, whether the dismissal was justified under the law governing the civil service, and what authority or jurisdiction the Civil Service Commissioners have to correct such an abuse of power, and if they have taken any steps to do so, and whether they have the necessary force and means at their disposal to make a thorough and prompt investigation.

"And, further, to examine the operation of the law creating the Civil Service Commission, and report whether the same should be continued, amended, or repealed."

Subsequently, on the 5th of April, 1897, the following resolution was agreed to by the Senate:

"*Resolved*, That in considering Senate Resolution No. 28 the Committee on Civil Service and Retrenchment shall have power to send for persons and papers, to administer oaths, and to examine witnesses, under oath, touching the matters which they are hereby empowered to investigate, and may employ a stenographer for said committee; and the necessary and proper expenses incurred in the execution of this order shall be paid out of the contingent fund of the Senate, upon vouchers approved by the chairman of said committee, and said committee may sit by subcommittee, or otherwise, during the sessions and any recess of the Senate, and at such times and places as they may deem expedient."

February 17, 1897, the Senate adopted the following resolution:

"*Resolved*, That the United States Civil Service Commissioners be, and they are hereby, directed to inform the Senate if Mary A. Dalton, William Holmes, Mary Flynn, John Zeller, and Dr. M. S. White, or any of them, have been discharged from the Bureau of Animal Indus-

try at South Omaha, in the State of Nebaska, from positions held under the classified service of the Government, and if so, when and for what reasons; and if they, or any of them have asked or petitioned the Civil Service Commissioners for an investigation of the charges made against them, and if said request or petition has been denied by the Civil Service Commissioners, and if so, for what reason or reasons the same has been denied; and that the said Civil Service Commissioners be, and they are hereby, directed to accompany their answer to this resolution with full and complete copies of all affidavits, letters, statements, testimony, depositions, reports of examiners, and all other papers or documents in their possession, and in any manner bearing on the subject-matter of this resolution."

Under date of February 18, 1897, the Civil Service Commission replied as follows:

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., February 18, 1897.

SIR: In compliance with Senate resolution of February 17, 1897, directing the United States Civil Service Commission "to inform the Senate if Mary A. Dalton, William Holmes, Mary Flynn, John Zeller, and Dr. M. S. White, or any of them, have been discharged from the Bureau of Animal Industry at South Omaha, in the State of Nebraska, from positions held under the classified service of the Government, and if so, when and for what reasons; and if they or any of them have asked or petitioned the Civil Service Commissioners for an investigation of the charges made against them; and if said request or petition has been denied by the Civil Service Commissioners, and if so, for what reason or reasons the same has been denied; and that the said Civil Service Commissioners be, and they are hereby, directed to accompany their answer to this resolution with full and complete copies of all affidavits, letters, statements, testimony, depositions, reports of examiners, and all other papers and documents in their possession and in any manner bearing on the subject-matter of this resolution," the Commission has the honor to present the following statement:

Paragraph 4 of section 2 of the act of January 16, 1883, provides:

"Said Commission may make investigations concerning the facts, and may report upon all matters touching the enforcement and effects of said rules and regulations, etc. (Referring to rules and regulations for the execution of the civil-service act.)"

Section 3 of civil-service rule 2 provides:

"No person in the executive civil service shall dismiss, or cause to be dismissed, or make any attempt to procure the dismissal of, or in any manner change the official rank or compensation of, any other person therein because of his political or religious opinions or affiliations."

Section 6 of this rule provides:

"In making removals or reductions, or in imposing punishment for delinquency or misconduct, penalties like in character shall be imposed for like offenses; and action thereupon shall be taken irrespective of the political or religious opinions or affiliations of the offenders."

Under the authority of the section of the civil-service act above referred to, it appears to be the duty of the Commission to investigate any violations of any of the provisions of the civil-service act or of the civil-service rules based upon that act, notably sections 3 and 6 of rule 2 above quoted.

November 16 a representative of the Commission called the Commission's attention to a clipping from the Omaha World-Herald of Sunday, November 15, and suggested an investigation of the statements that

Dr. White, Mr. John Zeller, Miss Dalton, and Miss Flynn had been removed from service in the Bureau of Animal Industry for political reasons.

November 27, 1896, a communication was received from Mr. Ed. P. Smith, inclosing two complaints for attention. The complaints were from Miss Mary A. Dalton and Mr. John Zeller, stating that they were removed for "alleged neglect of duty," and it was their belief that they were discharged for political reasons. An investigation was also requested.

November 30 the Commission thanked its representative for the communication received and stated that an inquiry was being made into the facts. On the same date the Commission acknowledged the receipt on November 28 of a letter from Miss Mary Flynn, complaining that she had been discharged for "alleged neglect of duty," and that she believed her discharge was for political reasons; and she was informed that the matter would have the immediate attention of the Commission. On the same date the newspaper clipping was forwarded to the Secretary of Agriculture for his information, with the request that he return it with any statement which he desired to make. He was also advised that complaints had been received from some persons removed, charging that their removal was solely because they failed to support certain candidates favored by the Secretary of Agriculture at the last election. On the same date Mr. Edward P. Smith was advised that the complaints forwarded by him would have the attention of the Commission.

On December 2 the Secretary of Agriculture acknowledged the receipt of the Commissioner's letter of November 30, and in reply informed the Commissioner that he would be very glad to aid in the exposure and punishment of any violation of the civil-service law, and indicated his readiness to afford the Commission every facility for investigating his Department. Upon receipt of this letter Commissioner Procter made a personal call upon the Secretary of Agriculture, who then promised that he would furnish the Commission with a statement and affidavits, showing that the persons referred to were not removed for political reasons.

December 7 the Commission received a communication from Mr. O. G. Eckstein, attorney for H. C. Keeling, in which he advised the Commission that Mr. Keeling had been notified by "circular letter" of November 5, 1896, of his discharge from the Bureau of Animal Industry, dating from November 15; "reason, service not required." Without alleging political reasons, Mr. Eckstein demanded an investigation. With this letter was inclosed copy of a letter from Dr. D. E. Salmon, Chief of the Bureau of Animal Industry, which is a part of the Department of Agriculture, in response to the request of Mr. Keeling for charges preferred against him, which stated that his services were no longer required by the Department.

December 17 the Commission received a letter from Senator Allen, reciting the circumstances of the removal at South Omaha of the persons already named, and stating that he was informed by those familiar with the facts that the removals were made for political reasons, and asking that prompt steps be taken in the matter. Through oversight this letter was not promptly acknowledged. A full reply was delayed until the Commission could forward to the Senator some substantial result of its investigation of the case.

December 19 a letter was received by the Commission from Herdman & Herdman, South Omaha, stating that they had heard nothing further from the Commission in the matter of their protest previously filed,

except an acknowledgment of its receipt, asking a speedy hearing and an opportunity to meet the sharges against the persons removed.

December 24 the Commission addressed a letter to the Secretary of Agriculture, stating that it was then in receipt of complaints from Senator Allen, Messrs. Herdman & Herdman, Mr. O. G. Eckstein, and Mr. Edward P. Smith with reference to the removals in question, and asking the Secretary to advise the Commission of the facts in the case. Neither the letter of Senator Allen nor those of any of the other persons named were exhibited to the Secretary of Agriculture.

December 29 the Commission received a letter from the Secretary of Agriculture acknowledging its communication of the 24th. In this letter the Secretary disclaimed any knowledge of whom the persons removed supported in the Presidential election and denied that political reasons had anything to do with the removals. The Secretary invited attention to inclosed sworn statements as to the causes of removal, distinctly requesting that unless they could be kept strictly for the Commission's own use they be returned to the Secretary of Agriculture at once, and respectfully demanding that they should not be shown to any of the complainants in the case. It was further stated in the letter that other testimony as to incompetency and neglect of duty of the parties removed was expected in a few days and could be filed for inspection. The letter closes with the positive assertion that the removals, one and all, were made for neglect of duty.

January 2, 1897, the Commission received a letter from Herdman & Herdman inclosing the petition of William Holmes relative to his discharge, and asking that they be advised as to whatever action would be taken in the matter. The petitioner set forth that he was never informed of any complaints or charges against him, and asked the Commission to take cognizance of his case and grant him opportunity to appear and defend himself against the charges, if there were any.

January 5 the Commission received a letter from Mr. W. S. White, stating that he had been discharged "for neglect of duty," and that upon his request to the Department for specific charges, "pernicious political activity" was alleged. The latter also asked if he were not entitled to a hearing, and that a copy of the civil-service law be sent him.

January 8 another letter was received from Mr. White, stating that Secretary Morton had recently sent an agent to South Omaha, trying to find evidence against those removed. In this letter he again demanded an investigation by the Commission.

January 12 the Secretary of Agriculture forwarded to the Commission copies of additional affidavits bearing upon the conduct of Messrs. White and Zeller.

January 18 the Commission wrote to the Secretary of Agriculture, informing him that the complainants in the case had been informed of the substance of his letters, without stating by whom the affidavits were made, and returned therewith the affidavits, with the understanding that they would be accessible to the Commission in the future, if circumstances made it necessary.

January 21 the Commission replied to Senator Allen's letter, received December 17, informing him that the Secretary of Agriculture had stated to the Commission that the removals of the persons in question were made for good reasons; that he did not know whom any of the persons supported for President, and that he did not care whom they supported, and had made no inquiry in that direction; and that the Secretary had further stated that he would furnish the Commission a

number of sworn statements, from which it would appear that the removals were due solely to the internal discipline of the service, with which the Commission has no authority to interfere. The Commission called attention to the provisions of rule 2, above quoted, and to the fact that a removal not contrary to these provisions was not within the jurisdiction of the Commission. On the same date the Commission addressed letters of similar purport to Mr. O. G. Eckstein, Messrs. Herdman & Herdman, Dr. W. S. White, Mr. Edward P. Smith, and Miss Mary Flynn.

January 29 the Commission received a letter from Dr. W. S. White, acknowledging its communication of January 21 and expressing disappointment at having no opportunity to disprove the charges against him, stating that the manner in which the affidavits as to his removal were procured was unjust, and requesting a copy of the charges against him.

February 1, in reply to the above request of Dr. White for a copy of the charges against him, he was referred to the Secretary of Agriculture.

February 6 a letter was received from Herdman & Herdman, acknowledging the receipt of the Commission's letter of January 21, reaffirming that the removals were made for political reasons, and offering proof thereof, again requesting a hearing, and protesting against an ex parte investigation.

February 8 the Commission replied to the above communication from Herdman & Herdman, requesting them to furnish affidavits covering the points in their letter, in order that the Commission might decide whether the evidence was sufficient to justify the sending of a personal representative to make an investigation. To this letter no reply has been received.

February 17 the Commission received a letter from the Secretary of Agriculture stating that he had observed in the Congressional Record of that date some correspondence relative to the removals heretofore mentioned, and referring to a letter of Dr. White of January 15, 1896, proposing that the Secretary should become a candidate for the Presidency, and quoting the reply to that letter.

Under date of February 16 a letter was received from the Secretary of Agriculture, transmitting copies of letters as follows: Two, of the dates of February 14, 1895, and November 28, 1896, written to Dr. W. S. White, admonishing him as to the importance of closer attention to his duties. Two, of the date of December 3, 1894, addressed to Dr. Don C. Ayer, in charge of the Bureau of Animal Industry at South Omaha, Nebr., one signed by the Secretary of Agriculture and the other by Dr. Salmon. These two letters in general directed Dr. Ayer to report on the condition of the efficiency of his force, stating how many men could be dispensed with without injury to the service, and instructing him that he should know no qualification of the employees under him except fidelity to their duty, and that no man was to be retained on account of mere politics. One, of the date of December 3, 1894, addressed to Dr. W. S. Devoe, a traveling veterinarian, instructed to report as to the service at various abattoirs. This letter was to the same general effect as the two last mentioned.

This completes the files of the Commission in the case. The Commission wishes to state that these complaints are only a few of the very many which, during its entire history, have come from all parts of the country, requesting investigations; and that the Commission always investigates so far as its limited force and appropriation will allow, when offer of proof is made that the civil-service law has been violated;

but before instituting an investigation which requires the expenditure of money, the Commission desires affidavits substantiating the charges made, and it very seldom sends a personal representative unless such affidavits are furnished. So far as the Commission is aware, no claim of violation of the civil-service act has ever failed of attention and investigation.

As related to this subject, the Commission begs to state that the power and duty of removal are not affected by the civil-service act other than in cases of removal for political or religious causes. The Commission is not an appointing, or reinstating, or removing body. Nevertheless, its investigations, as shown at length in its last report, have succeeded in securing reinstatements or removals by the proper Department in most of the cases in which the facts presented by it showed that the provisions of the civil-service act had not been observed.

The Commission again respectfully calls attention, as it has repeatedly done in the past, to the fact that it has authority to investigate only cases of removal in which political or religious reasons are alleged, and that it has no power, even in such investigations, to administer oaths or to summon witnesses. It does not here suggest the desirability of such additional authority, but does wish to make clear the fact that this authority does not exist.

Attention is invited to the following extract from the thirteenth report of the Commission:

"It was predicted by those who advocated the enactment of the civil-service law, that the temptation to make unjust removals would gradually disappear with the withdrawal of the power to control appointments to positions thus made vacant. This prediction has been largely fulfilled. The civil-service act did not intend that incompetent persons should be retained in office. The authority of removal and its exercise for proper reasons are necessary for the discipline and the efficiency of the public service. The power of removal is not affected by the law or the rules further than that they provide that removals shall not be made for political or religious reasons. The results under the present system are in every respect more satisfactory than under the old system."

The file in the case is forwarded herewith, except the communication from the Commission's representative of November 16, above mentioned.

When the preparation of this statement was nearly completed, a letter was received from Messrs. Herdman & Herdman, in reply to the Commission's letter of February 8, stating that the affidavits therein requested would be furnished in due course of time.

We have the honor to be, your obedient servants,

JOHN R. PROCTER,
WILLIAM G. RICE,
JOHN B. HARLOW,
Commissioners.

The PRESIDENT OF THE SENATE,
Washington, D. C.

[World-Herald, Omaha, Nebr., Sunday, November 15, 1896.]

VACANCIES AT SOUTH OMAHA—SILVER ADVOCATES ARE DISMISSED FOR "NEGLECT OF WORK."

For what seems to be purely a manifestation of political spite, Dr. White, chief microscopist of the Bureau of Animal Industry in South

Omaha; John Zeller, a tagger, and Miss Dalton and Miss Flynn, stenographers in the same Bureau, have been dismissed from the service by order of J. Sterling Morton, Secretary of Agriculture, for alleged neglect of work.

It was done, it is alleged, at the instance of Euclid Martin, W. D. McHugh, and Lee Spratlen, all bolters from the Democratic party and supporters of the present Administration. Those who lost their jobs were supporters of Bryan and free silver.

Dr. White has been in the Bureau of Animal Industry ever since its establishment in South Omaha, and had lived in Otoe County, Morton's home, for twenty-five years. Zeller, although a silverite, had frequently done the work of his goldbug taggers while the latter were out howling for McKinley during the campaign. The stenographers hadn't used their influence either way, but Messrs. J. J. O'Connor and John Murphy, the men who indorsed them for their positions years ago, are out-and-out silver workers, and the far-reaching hatred of the bolting Democrats apparently directed this as a slap upon the indorsers.

The person held responsible in the office from which the young women were dismissed is said to be a sister of Tobe Castor.

GENTLEMEN: I inclose herewith two complaints that I trust may have attention at your hands.

Yours, truly,

ED. P. SMITH.

The UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C.

OMAHA, NEBR., *November 23, 1896.*

GENTLEMEN: The undersigned, Mary A. Dalton, of Omaha, Nebr., would respectfully represent that on the 16th day of June, 1893, she was duly appointed to the position of assistant microscopist in the Bureau of Animal Industry at South Omaha, Nebr., at a salary of $50 per month.

She represents that immediately after being notified of such appointment she began work thereunder, and worked continuously at the required duties until September, 1893, when she was indefinitely furloughed; that afterwards, on July 2, 1894, she was reassigned to duty, and worked continuously until November 14, 1896, when, by order of the Hon. J. Sterling Morton, Secretary of Agriculture, she was discharged for alleged "neglect of duty." Your petitioner represents that at no time during the entire period of her service, has she been absent from her place of duty without leave; that she has at all times attended to her duties faithfully and to the best of her abilities; that at no time has any complaint been made of the manner in which she performed her work, nor has any person charged her with in any manner neglecting her duties. She states she has good reason to believe and does believe that the reasons for her discharge are wholly political; that she was discharged solely because she failed and refused to support certain candidates at the last election, whose election was favored by the honorable Secretary of Agriculture.

Wherefore she asks your honorable body to investigate the matters herein complained of, and if it be found that this petitioner has not

GENTLEMEN: The undersigned, John Zeller, of Omaha, Nebr., wo respectfully represent that on June 27, 1895, he was duly appointe tagger in the Bureau of Animal Industry at South Omaha, Nebr., a salary of $60 per month.

He represents that immediately after being notified of such appoi ment he began work thereunder, and worked continuously at the requi duties till November 14, 1896, when, by order of the Hon. J. Sterl Morton, Secretary of Agriculture, he was discharged for alleged "n lect of duty."

Your petitioner represents that at no time during the entire year 1 has he been absent from his place of duty for any time whatever; t he has at all times attended to his duties faithfully and to the bes his ability; that at no time has any complaint been made of the man in which he performed his work, nor has any person charged him w in any manner neglecting his duties.

He states he has good reasons to believe, and does believe, that reasons for his discharge are wholly political; that he was dischar solely because he failed and refused to support certain candidate the last election whose election was favored by the honorable Secret of Agriculture.

Wherefore he asks your honorable body to investigate the matt herein complained of, and if it be found that this petitioner has been guilty of "neglect of duty" that he be ordered reinstated in position from which he has been discharged.

Yours, very respectfully, JOHN ZELLER,
1923 South Tenth Street.

The UNITED STATES CIVIL SERVICE COMMISSION.
Washington, D. C.

GENTLEMEN: The undersigned, Mary Flynn, of Omaha, Nebr., wo respectfully represent that on June 16, 1895, she was duly appoint assistant microscopist in the Bureau of Animal Industry at Sou Omaha, Nebr., at a salary of $50 per month.

She represents that immediately after being notified of such appoi

She states she has good reason to believe, and does believe, that the reasons for her discharge are wholly political; that she was discharged solely because her friends failed and refused to support certain candidates at the last election whose election was favored by the honorable Secretary of Agriculture.

Wherefore she asks your honorable body to investigate the matters herein complained of, and if it be found that this petitioner has not been guilty of "neglect of duty" that she be ordered reinstated in the position from which she was discharged.

Yours, very respectfully, MARY FLYNN.

The UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., November 30, 1896.

MADAM: I am to acknowledge the receipt of your letter complaining of your removal from the position of assistant microscopist in the Bureau of Animal Industry at South Omaha, Nebr., and to state that the matter will have the early attention of the Commission.

Very respectfully,

JOHN T. DOYLE, *Secretary.*

Miss MARY FLYNN, *Omaha, Nebr.*

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., November 30, 1896.

SIR: Your attention is invited to the inclosed newspaper clipping, with request that you kindly return it to the Commission with any remark that you may care to make. The clipping was forwarded to the Commission by a Government official, who asked whether the civil-service law has been violated. The Commission is also in receipt of complaints made by some of the persons removed, charging that their removal was solely because they failed and refused to support certain candidates at the last election whose election was favored by the Secretary of Agriculture.

Very respectfully, JOHN R. PROCTER,
President.

The SECRETARY OF AGRICULTURE.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., November 30, 1896.

SIR: I am to acknowledge the receipt of your communication, transmitting the complaints of Mary A. Dalton and John Zeller of their removal from positions in the Bureau of Animal Industry at South Omaha, Nebr. I am to state that the complaints will have the attention of this Commission.

Very respectfully, JOHN T. DOYLE,
Secretary.

Mr. EDWARD P. SMITH,
923 New York Life Building, Omaha, Nebr.

own exposure and condign punishment.

Very respectfully, yours,

J. STERLING MORTON, *Secretar*

Hon. JOHN R. PROCTER,
President United States Civil Service Commission.

[Memorandum.]

DECEMBER 2, 189

Upon receipt of letter from the Secretary of Agriculture of this d as to removals from the Bureau of Animal Industry, at South Om Nebr., Commissioner Procter called upon the Secretary for pers consultation in the matter. The Secretary then promised that he w furnish the Commission with a statement and affidavits showing the persons referred to were not removed for political reasons.

WICHITA, KANS., *December 4, 189*

GENTLEMEN: I beg leave to call your attention to the case of H Keeling, of Caldwell, Kans., for whom I have been retained to p the matter before your Commission.

Mr. Keeling was live-stock agent at Caldwell, Kans., at a salar $1,200 per annum, in the Bureau of Animal Industry. These pl were brought by the President within the classified civil service ab July 1, 1895, as per the circular letter of the Secretary of Agricult Mr. Keeling was notified November 5, 1896, of his discharge, dat from November 15. Reason, "service not required."

There have been charges made at Caldwell, I understand, that Keeling was active for the success of the Democratic national tic but he was no more active than any other citizen.

I inclose copy of a letter of Dr. D. E. Salmon, Chief of Bureau response to request of Mr. Keeling for copy of charges preferred agai him, if any.

Mr. Keeling's work has always been highly praised, and he appe

WICHITA, KANS., *November 30, 1896.*

SIR: Your note of the 26th instant to the Secretary, asking what charges, if any, have been preferred against you, and what are the grounds for your discharge, has been referred to this Bureau for reply. Your services were no longer required by the Department, and, as is customary in such cases, your discharge was made out on the regular blank used by the Department for such purposes.

Very respectfully,

D. E. SALMON, *Chief of Bureau.*

Mr. H. C. KEELING, *Caldwell, Kans.*

COMMITTEE ON FOREST RESERVATIONS
AND THE PROTECTION OF GAME,
UNITED STATES SENATE,
Washington, D. C., December 15, 1896.

GENTLEMEN: On November 15 ultimo, at South Omaha, Nebr., certain persons in the service of the Government, in the Bureau of Animal Industry, among them Dr. White, John Zeller, and Mary A. Dalton, were discharged. The notice received by them stated that they were discharged for "neglect of duty." No other reason was assigned, nor was it stated wherein they had neglected their duty. Complaints were forwarded to you on the 25th of November and were acknowledged on the 30th. Dr. White wrote to the Secretary of Agriculture, asking him for the cause of the discharge, and received a reply that it was for "pernicious activity in politics." It is stated to me on good authority that those familiar with the facts know that these persons were discharged because they supported the Hon. W. J. Bryan at the late election for the Presidency. Those who were against Mr. Bryan are still in the service.

I ask you to take prompt steps to have these complaints heard, so that it may be demonstrated, if that can be done, that civil service, so called, is not a delusion. There can not be the slightest doubt, when these complaints shall have been heard, that the removals were prompted solely by the fact that the victims were advocates of bimetallism and supporters of Mr. Bryan.

I have the honor to be, very truly, yours,

WM. V. ALLEN.

The CIVIL SERVICE COMMISSIONERS,
Washington, D. C.

OMAHA, NEBR., *December 16, 1896.*

GENTLEMEN: Some weeks ago a protest against removal was filed before your Commission by Miss Mary Dalton, of South Omaha, Nebr. We have heard nothing from the Commission except an acknowledgment of the receipt of the protest. Can't the matter be pushed to a speedy hearing? J. Sterling Morton has had a special agent, detective, or spy on the ground hunting up evidence to sustain the removal. We wish the opportunity of meeting the charges, if any, and are prepared to do so. What is the procedure of the Commission in these cases?

Do you grant a hearing on the charges filed? Do you consider any

Washington, D. C., December 24, 1896.

SIR: Adverting to its communication of November 30, and to y reply of December 2, relative to certain newspaper statements chargi that certain removals have been made in the Bureau of Animal Ind try at Omaha, Nebr., for political reasons, the Commission would st that it is now in receipt of complaints from Senator William V. All Messrs. Herdman & Herdman, attorneys at law, of Omaha; Mr. O G. Eckstein, attorney at law, of Wichita, Kans., and Mr. Edward Smith, of Omaha, Nebr., with reference to the removal of Dr. Wh John Zeller, Mary A. Dalton, H. C. Keeling, stock examiner at Ca well, Kans., and Miss Mary Flynn.

The charges are in substance that these persons were dischar because of their support of a certain candidate in the recent Pr dential election, and that the removals were prompted solely beca the above-named persons failed and refused to support certain can dates at the election whose election was favored by the Secretary Agriculture.

Please advise the Commission as far as you may be willing to do of the facts, in order that it may make reply to these complaints.

Very respectfully,

JOHN R. PROCTER, *President.*

The SECRETARY OF AGRICULTURE.

UNITED STATES DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D. C., December 28, 1896.

GENTLEMEN: I reply to your communication of December 24, whi reached me this moment.

You say that complaints have been made by "Senator William Allen, Messrs. Herdman & Herdman, attorneys at law, of Omaha; M Otto G. Eckstein, attorney at law, of Wichita, Kans., and Mr. Edwa P. Smith, of Omaha, with reference to the removal of Dr. White, Jo

The Secretary of Agriculture never inquired whom either of those gentlemen supported, nor does he care whom they supported. Nor did the Secretary of Agriculture know what candidate for the Presidency the Misses Flynn and Dalton supported, or whether they supported them by speeches alone or by ballot.

It would be well for the chargers, Senator Allen et al., to state whose "election was favored by the Secretary of Agriculture." As to this important matter the communication of Senator Allen and other distinguished lawyers in Nebraska and Kansas is entirely silent.

The removals were for good reason.

Inclosed find some sworn statements made and filed with this Department since the charges which Senator Allen reiterates were first made. The first affidavit has reference particularly to the chief microscopist, Dr. W. S. White.

[Here follow five affidavits which were returned to, and are now in the possession of, the Secretary of Agriculture.]

It does not seem to me proper that the statements of these people in the service should be given to any other persons than those composing the United States Civil Service Commission. And it is distinctly requested that unless they can be kept strictly for your own use and enlightenment they may be returned to the Secretary of Agriculture at once. It is furthermore respectfully demanded that you shall show them to none of the complainants in this case.

In a few days I expect to have other testimony as to the incompetency and neglect of duty of the parties removed, and I hope it may be of such a character that I can file it for general inspection by Senator Allen and all the balance of the complainants. Meantime I assert precisely what was stated in the notice given to each one of the removed parties—that they were, one and all, separated from the service of the Bureau of Animal Industry because of neglect of duty.

Yours, respectfully,

J. STERLING MORTON,
Secretary.

The UNITED STATES CIVIL SERVICE COMMISSION.

OMAHA, NEBR., *December 30, 1896.*

GENTLEMEN: We herewith inclose you petition of William Holmes, assistant inspector in Bureau of Animal Industry, under United States Department of Agriculture, at South Omaha, Nebr., relative to his discharge.

Kindly advise us as to what action is taken in the matter. Mr. Holmes especially desires that the matter be investigated and that he be given an opportunity to defend himself against charges filed, if any have been filed.

Kindly also advise us as to what action has been taken in the matter of the applications of Mary Dalton and John Zeller, heretofore filed before your honorable Commission.

Yours, truly,

HERDMAN & HERDMAN.

BOARD OF CIVIL SERVICE COMMISSIONERS,
Washington, D. C.

OMAHA, NEBR., *December 30, 1896.*

GENTLEMEN: The undersigned, William Holmes, would respectfully state:

That on November 6, 1893, he was duly appointed an assistant inspector at South Omaha, Nebr., in the Bureau of Animal Industry in the United States Department of Agriculture; that he qualified and entered upon the duties of said position and served continuously therein up to December 15, 1896, when he was removed from said position by the order of Hon. J. Sterling Morton, Secretary of Agriculture. Your petitioner would state that in July, 1895, the civil-service law was extended to cover the position held by him, and that ever since he has been working under the rules of the civil service. Your petitioner would further state that at no time was he informed of any complaints being filed or charges made against him; that at this time he has no knowledge or information as to the nature of the charge, if any there be, against him; that he was not permitted or granted an opportunity to be heard in defense of such charge. Your petitioner therefore asks that your honorable body take cognizance of this petition and inform him of the nature of the charges filed against him, and grant him an opportunity to appear and defend himself against such charges, and for such other relief as may be had under the rules and precedents of your honorable Commission.

WILLIAM HOLMES.
HERDMAN & HERDMAN, *Attorneys.*

The CIVIL SERVICE COMMISSION.

SOUTH OMAHA, NEBR., *January 2, 1897.*

DEAR SIRS: September 1, 1893, I was placed in charge of the microscopic department of the Bureau of Animal Industry at this place. November 14, 1896, I received a communication from Secretary Morton saying I was "hereby discharged" (not suspended) "for neglect of duty." I wrote Secretary Morton and asked him to tell me in what way I had neglected my duty. His private secretary answered the letter by saying, "For your own satisfaction that the Secretary's recent action in your case was based on what he considered the strongest and most indisputable evidence from several reliable sources as to very decided pernicious political activity upon your part during the recent campaign." I have written to the Secretary several times denying the charge, and asked him, Secretary Morton, to send some impartial man out here and investigate the matter thoroughly, but hear nothing more from him. In one communication Secretary Morton says I was removed "for neglect of duty," and in the other "for pernicious partisanship." Am I not entitled to a hearing in the matter? Having had a long personal acquaintance with the Secretary, I have been reluctant to resent my treatment in this matter; but feel that justice has not been done me. Not having the law governing such matters, I have not read it. I will be obliged for a copy of the civil-service law, if any for distribution. Does the appointing officer notify your honorable Board, and for what cause, when he makes removals?

Yours, very respectfully,

W. S. WHITE.

CIVIL SERVICE COMMISSION,
Washington, D. C.

SOUTH OMAHA, NEBR., *January 6, 1897.*

DEAR SIR: Secretary Morton has had a special agent here a week or more trying to find "evidence that will stick" before you against those of us that were dismissed from the Bureau of Animal Industry in November, 1896. I thought all along since my discharge that I'd let the matter go by default, but when a Government official comes here and acts as this agent I demand an investigation by your honorable Commission. He finds a family I treated and takes their affidavit. Tried to get one man to say to-day, or yesterday rather, that he could get me any time of the day, even during working hours. I also understand this agent has gotten copies of my prescriptions to be used as evidence against me. I feel that I can satisfy your honorable Board of Commissioners that I've been a faithful public servant since in the employ of Government, especially so since under civil service. I've done a little practice of medicine ever since residing in South Omaha, but have not done so to the neglect of my official duties. Secretary Morton has known all the time that I was practicing medicine, and has even encouraged me to do so. I called on the Secretary at the Paxton Hotel, Omaha, Nebr., in 1895. I think he asked how was my practice. Told him not much. He said it would be better. I've never been asked to stop practicing.

Yours, respectfully,

W. S. WHITE.

BOARD CIVIL SERVICE COMMISSION,
Washington, D. C.

P. S.—I hope your honorable board will send some one here to see "inside of this matter." He will be edified.

UNITED STATES DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D. C., January 11, 1897.

DEAR SIR: Referring to the dismissal of Dr. W. S. White and John Zeller from the force of the Bureau of Animal Industry at South Omaha, Nebr., I inclose herewith for your information copies of additional affidavits bearing upon the conduct of these gentlemen. I think these affidavits show conclusively that my action was for the good of the public service.

Very respectfully, J. STERLING MORTON,
Secretary.

Hon. JOHN R. PROCTER,
President Civil Service Commission.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., January 18, 1897.

SIR: Referring to your communications of December 28 and January 11, transmitting copies of affidavits relative to the removal of certain persons in the Bureau of Animal Industry at Omaha, Nebr., you are informed that the Commission has written to the complainants, repeating the substance of your letter without saying by whom the affidavits were made. In view of your wish that the names of the affiants and their statements should not be disclosed, the Commission thinks it

better to return the papers to you for your files, with the understanding, of course, that they will be accessible to the Commission in the future if circumstances should make it necessary.

Very respectfully,

JOHN R. PROCTER, *President.*

The SECRETARY OF AGRICULTURE.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., January 21, 1897.

SIR: Referring to your communication of December 16, previously acknowledged, with reference to the removal of certain persons from the Bureau of Animal Industry at South Omaha, Nebr., for alleged political reasons, you are informed that the Secretary of Agriculture has stated to the Commission that the removals were made for good reasons; that he did not know whom any of the persons removed supported for President; that he made no inquiry, nor did he care whom they supported. He has laid before this Commission a number of sworn statements, from which it would appear that the removals related solely to the internal discipline of the service, in which this Commission has no authority to interfere. Later, the Secretary of Agriculture addressed the Commission, inclosing copies of additional affidavits bearing upon the conduct of Drs. White and Zeller, adding, "I think these affidavits show conclusively that my action was for the good of the public service."

The civil-service rules contain the following provisions respecting dismissals or changes of rank:

"Rule II. * * *

"3. No person in the executive civil service shall dismiss, or cause to be dismissed, or make any attempt to procure the dismissal of, or in any manner change the official rank or compensation of any other person therein because of his political or religious opinions or affiliations.

* * * * * * *

"6. In making removals or reductions, or in imposing punishment for delinquency or misconduct, penalties like in character shall be imposed for like offenses, and action thereupon shall be taken irrespective of the political or religious affiliations of the offenders."

Where a removal or reduction is made for reasons relating to the internal administration of the service not contrary to clauses 3 and 6 of Rule II, cited above, the Commission has no authority to interfere.

In view of the statement of the Secretary of Agriculture and the evidence which he submits, the Commission feels that with its limited force and the pressure of work it can not at this time make an investigation of its own into the matter.

Very respectfully,

JOHN R. PROCTER, *President.*

Hon. WILLIAM V. ALLEN,
United States Senate.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., January 21, 1897.

SIR: Referring to your communication, previously acknowledged, with reference to the removal of H. C. Keeling from the Bureau of

Animal Industry at South Omaha, Nebr., for alleged political reasons, you are informed that the Secretary of Agriculture has stated to the Commission that the removals were made for good reasons; that he did not know who any one of the persons removed supported for President; that he made no inquiry, nor did he care who they supported. He has laid before the Commission a number of sworn statements, from which it would seem that the removals related solely to the internal discipline of the service, in which this Commission has no authority to interfere. Later, the Secretary of Agriculture addressed the Commission, inclosing copies of additional affidavits, adding, "I think these affidavits show conclusively that my action was for the good of the public service."

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Very respectfully,

JOHN R. PROCTER, *President.*

Mr. OTTO G. ECKSTEIN,
111 South Main Street, Wichita, Kans.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., January 21, 1897.

GENTLEMEN: Referring to your communication, previously acknowledged, with reference to the removal of Mary A. Dalton and William Holmes from the Bureau of Animal Industry at South Omaha for alleged political reasons, you are informed that the Secretary of Agriculture has stated to the Commission that the removals were made for good reasons; that he did not know whom any one of the persons removed supported for President; that he made no inquiry, nor did he care whom they supported. He has laid before the Commission a number of sworn statements, from which it would seem that the removals related solely to the internal discipline of the service, in which this Commission has no authority to interfere. Later, the Secretary of Agriculture addressed the Commission, inclosing copies of additional affidavits, adding, "I think these affidavits show conclusively that my action was for the good of the public service."

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Very respectfully,

JOHN R. PROCTER,
President.

Messrs. HERDMAN & HERDMAN,
Creighton Block, Omaha, Nebr.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., January 21, 1897.

SIR: Referring to your communication, previously acknowledged, with reference to your removal from the Bureau of Animal Industry at South Omaha, Nebr., for alleged political reasons, you are informed that the Secretary of Agriculture has stated to the Commission that the removals were made for good reasons; that he did not know who any one of the persons removed supported for President; that he made no inquiry, nor did he care whom they supported. He has laid before the Commission a number of sworn statements, from which it would seem that the removals related solely to the internal discipline of the service, in which this Commission has no authority to interfere. Later, the Secretary of Agriculture addressed the Commission, inclosing copies of additional affidavits, adding: "I think these affidavits show conclusively that my action was for the good of the public service."

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In view of the statement of the Secretary of Agriculture and the evidence which he submits, the Commission feels that with its limited force and the pressure of work it can not at this time make an investigation of its own into the matter.

Very respectfully, JOHN R. PROCTER,
President.

Mr. W. S. WHITE, *South Omaha, Nebr.*

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., January 21, 1897.

SIR: Referring to your communication, previously acknowledged, with reference to the removal of Mary A. Dalton and John Zeller from the Bureau of Animal Industry at South Omaha, Nebr., for alleged political reasons, you are informed that the Secretary of Agriculture has stated to the Commission that the removals were made for good reasons; that he did not know who any one of the persons removed supported for President; that he made no inquiry, nor did he care whom they supported. He has laid before the Commission a number of sworn statements, from which it would seem that the removals related solely to the internal discipline of the service, in which this Commission has no authority to interfere. Later, the Secretary of Agriculture addressed the Commission, inclosing copies of additional affidavits, adding: "I think these affidavits show conclusively that my action was for the good of the public service."

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In view of the statement of the Secretary of Agriculture and the evidence which he submits, the Commission feels that with its limited force and the pressure of work it can not at this time make an investigation of its own into the matter.

Very respectfully, JOHN R. PROCTER,
President.

Mr. ED. P. SMITH,
923 New Life Building, Omaha, Nebr.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., January 21, 1897.

MADAM: Referring to your communication previously acknowledged with reference to your removal from the Bureau of Animal Industry at South Omaha, Nebr., for alleged political reasons, you are informed that the Secretary of Agriculture has stated to the Commission that the removals were made for good reasons; that he did not know who any one of the persons removed supported for President; that he made no inquiry, nor did he care whom they supported. He has laid before the Commission a number of sworn statements, from which it would seem that the removals related solely to the internal discipline of the service, in which this Commission has no authority to interfere. Later, the Secretary of Agriculture addressed the Commission, inclosing copies of additional affidavits, adding: "I think these affidavits show conclusively that my action was for the good of the public service."

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In view of the statement of the Secretary of Agriculture and the evidence which he submits, the Commission feels that with its limited force and the pressure of work it can not at this time make an investigation of its own into the matter.

Very respectfully,

JOHN R. PROCTER,
President.

Miss MARY FLYNN, *Omaha, Nebr.*

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF ANIMAL INDUSTRY,
South Omaha, Nebr., January 26, 1897.

DEAR SIR: Your communication of January 21 received, and I am greatly disappointed to know I will have no opportunity to prove to your honorable Commission that every charge against me is false. Secretary Morton tells you he did not remove me for political reasons. His private secretary writes me he did. I know Secretary Morton a great deal better than any member of your Commission. Have had a long personal acquaintance with him. The Secretary's friends tell me that he, the Secretary, feels that my course during the recent campaign was a personal insult to him. Secretary Morton is a brainy man and thinks his way of looking at things just "the way." I am surprised at Secretary's course in this matter. He said to me in his own home last September that he "had never heard a word against my department." I had

charge of the microscopic department here a little over three years, and during that time there was at least twelve months there was no microscopic work to be done. In that idle time I made calls when asked to do so. Some of the affidavits in your possession were given by parties visited at the above time. You also have affidavits from persons who will swear I never visited them during working hours. There is no justice in this one-sided affair. I will be greatly obliged for a copy of the charges against me, days and dates of duty neglected. I think I am entitled to them. Nothing but justice to me.

Yours, respectfully,

W. S. WHITE.

Hon. JOHN R. PROCTER.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., February 1, 1897.

SIR: In reply to your letter of January 26, I am to state that the Commission has no duty to furnish you a copy of the charges against you, and must refer you to the Secretary of Agriculture for such a copy.

Very respectfully,

JOHN T. DOYLE, *Secretary.*

Dr. W. S. WHITE,
South Omaha, Nebr.

OMAHA, NEBR., *February 3, 1897.*

GENTLEMEN: Your letter of date January 21, 1897, in reply to the appeal of William Holmes and Mary A. Dalton to your Commission for an investigation of the alleged charges of "neglect of duty," for which they were discharged on November 15, 1896, from the Bureau of Animal Industry at South Omaha, came to hand in due time, but owing to absence from the city and the press of other matters, we were unable to give it immediate attention. We exceedingly regret that the "Commission, with its limited force and the pressure of other matters," can not at this time make an investigation of these removals. If given the opportunity, we can show that the removals were made solely for political reasons; that the departmental force at South Omaha has at all times been used by the machine for political purposes; that the persons removed, as well as other persons in the service at this point, obtain their positions through Euclid Martin, postmaster of this city; that Martin is the head of one of the factions of the Democratic party in this State, and during the last campaign directed and coerced the political conduct of the Federal employees at South Omaha; that he has done this for years; that he is the Western agent of J. Sterling Morton, and no doubt was instrumental in having these persons removed. Not that he filed the charge himself, but was instrumental in having it done by others under his control—Rush, Sherlock, Leddy, Conoyer, etc.

We can show that the Secretary of Agriculture not only asked, but directed men in the service at South Omaha to do political work; that these persons were also instructed as to the part they should take in primaries. None but Bryan Democrats have been removed. The charge of neglect of duty is false, and made only to cover up and excuse removals made because the persons removed chose to exercise the right of every American citizen, i. e., to determine their politics for themselves and not to take it from the Secretary of Agriculture. The per-

their accusers, the nature of the accusation against them, and opportunity of defending themselves. A removal under the cir stances and for the reasons stated implies a reflection upon the ab the integrity, and faithfulness to duty of the persons removed. far worse than a removal for political reasons, which is accepted a fate of all partisans.

If we understand correctly the contents of your letter, there i civil service in this country so far as removals are concerned. chief officer can remove and assign as a reason therefor a cause ing to the "internal discipline" of the service, and your Commi can not and will not go behind the cause assigned, then civil-se reform is a sham, and any pretensions of regard therefor rank hypo We learn this with surprise and regret, and yet, as we belong political party that was charged with declaring in favor of a retu the "odious spoils system," and denounced throughout the count it, it is a source of no little gratification that we learn that we never departed from the odious spoils system, and that a return to is unnecessary. We can not believe that you will deny our clien investigation; it will be an act of fairness and justice to all conce A removal and hearing based only upon ex parte affidavits mad collected by a party whose conduct is impugned will never satisf people that justice has been done. We know and can prove tha Secretary of Agriculture and the postmaster of this city by t removals have sought to revenge themselves upon those who woul do their political bidding. Again we ask you to grant us a heari

Yours, truly,

HERDMAN & HERDM

BOARD OF CIVIL SERVICE COMMISSIONERS,
Washington, D. C.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., February 8, 18

UNITED STATES DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D. C., February 15, 1897.

SIR: I observe in the Congressional Record, which I received this morning, some correspondence relative to removals of certain employees of the Bureau of Animal Industry of the United States Department of Agriculture at South Omaha, Nebr. Among those letters is one from my private secretary, Mr. John Nordhouse. That communication probably was based upon a letter written to me by Dr. White, proposing that I should become a candidate for the Presidency, and that he would do all he could to secure a delegation. Dr. White's letter was turned over to Mr. D. MacCuaig, chief of this Department, to answer. The following is Mr. MacCuaig's answer:

UNITED STATES DEPARTMENT OF AGRICULTURE,
OFFICE OF THE CHIEF CLERK,
Washington, D. C., January 22, 1896.

DEAR SIR: Replying to your letter of the 15th instant, addressed to the Secretary, I have to inform you that he has neither time nor inclination to influence people of Nebraska in any political action. The Democracy should act in the interests of the party, independent of the dictation or direction of anyone. Whatever may be done will be acquiesced in by the Secretary.

Respectfully, yours, D. MACCUAIG,
Chief Clerk.

Mr. W. S. WHITE, *South Omaha, Nebr.*

The foregoing may be indicative of some "pernicious political activity" which was proposed in behalf of—

Yours, respectfully, J. STERLING MORTON,
Secretary.

Hon. JOHN R. PROCTER,
President United States Civil Service Commission.

UNITED STATES DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D. C., February 16, 1897.

SIR: Further complying with your request as to causes for the dismissal of Dr. W. S. White, I give you herewith copies of letters which have been written to him from time to time admonishing him as to the importance of closer attention to the duties of his office as chief microscopist at South Omaha.

I also inclose copies of two letters, dated December 3, 1894, addressed to Dr. Don. C. Ayer, in charge of the Bureau of Animal Industry at South Omaha, Nebr.

Also a copy of a letter addressed to Dr. W. S. Devoe, dated December 3, 1894, who at that time was a traveling veterinarian instructed to report as to the service at each point where large abattoirs were doing business.

A letter of special instruction, signed by the Secretary of Agriculture and addressed to Dr. W. S. White, dated February 14, 1895, is also sent, to show that Dr. White has been properly admonished to attend to his duties.

Lastly, a letter dated November 28, 1896, addressed to Dr. White and signed by the Chief of the Bureau of Animal Industry, Dr. D. E. Salmon.

Dr. White had long been a resident of Otoe County, Nebr., and as a country physician was much esteemed by many of his neighbors. Perhaps the fallacy of an appointive system which apportions places to personal friends for political favorites instead of to those who have been examined by a competent commission and admitted upon probation because of proof merit will never be more singularly illustrated than in the case of Dr. White. This confession is made out of the individual experience of the Secretary of Agriculture, whose friendly relations with Dr. White influenced him to place the doctor in the service without sufficiently considering some of his peculiarities. It further proves that the performance of the duty of removing a personal and political friend who is constantly assuring you of his fidelity to the financial and other economic views which you hold more than neutralizes with painful humiliation the gratification which you felt in making the appointment. Dr. White assures me that he has been for thirty years and down to the present month a supporter of all the economic and financial views of the undersigned.

Very respectfully,

J. STERLING MORTON, *Secretary.*

Hon. JOHN R. PROCTER,
President United States Civil Service Commission,
Washington, D. C.

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF ANIMAL INDUSTRY,
Washington, D. C., November 28, 1896.

DEAR SIR: I am in receipt of your letter of the 23d instant, and note your statement that you have not retained counsel to bring your case before the Civil Service Commission, and that having lived fifty years without going to law you think you can spend the remainder of your days without it. I think your decision is a wise one, particularly as Secretary Morton has demonstrated his desire to assist you by your appointment and retention in office until this time.

I presume you feel that you gave proper attention to your duties while you were in the employ of the Department, but it is well to remember that different people look at the same thing from different points of view. I may state frankly to you that when I visited South Omaha I was surprised to find you occupying the main office and conducting a private medical practice there, while the assistant microscopists were at work on another floor of the building, where you certainly could not give them the constant supervision which is required in such cases.

Even if you visited the microscopical rooms as frequently as was necessary, this manner of conducting the business was calculated to cause criticism of your management and lead to unfavorable conclusions as to the character of the inspection. It led to serious reflections being made in regard to yourself and to unfavorable comments in reference to the Secretary, although he and I, previous to my visit, were both entirely ignorant of these facts. On my return I presented this matter to him, and my report led to the changes which were afterwards made and which you appeared to think were directed against you personally, although the object was simply to maintain the reputation of the administration of the inspection service at South Omaha. I have

regretted that you considered it necessary to practice medicine while in the employ of the Department, and particularly that you should have an office in the same building with the Bureau office, and that you should give any time to such private practice during office hours. It always appeared to me that this was objectionable and would lead to reports of neglect of duty, no matter how faithful you might be in performing the duties which were intrusted to you.

While I am not in a position to know all the details concerning your actions and the report which reached the Secretary, I do know that he received reports from friends and perhaps others which were of such a nature that he felt compelled to take the action which he did in the interest of the public service, and considering the facts which I have already referred to, I could not be surprised at his receiving such reports or at their being so numerous and so strong as to require attention at his hands.

Very respectfully,

D. E. SALMON,
Chief of Bureau.

Dr. S. W. WHITE, *South Omaha, Nebr.*

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF ANIMAL INDUSTRY,
Washington, D. C., December 3, 1894.

SIR: You will please inform the packers for whom you are inspecting that beginning with the 15th instant they will be expected to furnish the labor required to put the stamps on packages. The work must be under the supervision of the employees of this Bureau, and you will see that some one is at each packing house who is responsible for the stamps used, and who will know of his personal knowledge that they have all been put upon packages. After making these arrangements, you will please make a report on the condition and efficiency of your force, and state how many men can be dispensed with without injury to the service; also make recommendations as to the parties who are of the least use to you, so that in making reductions the most efficient employees may be retained.

It is the Secretary's desire to place the force at South Omaha upon a good working basis, and he has written you to-day to assure you that he would not countenance insubordination or the attempt by anyone to avoid the work or responsibility which their position implies.

Very respectfully,

D. E. SALMON, *Chief of Bureau.*

Dr. DON C. AYER,
Care Cudahy Packing Company, South Omaha, Nebr.

UNITED STATES DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D. C., December 3, 1894.

SIR: A report from Dr. Devoe, relative to the efficiency of the force at South Omaha, convinces me that you are doing your very best to make the work of the Bureau of Animal Industry of value to the packers and public. Therefore you are again instructed that in the discharge of your duty you shall know no qualification for employees under you except fidelity to their duty and the faithful discharge of

Dr. Don C. Ayer,
Bureau of Animal Industry, South Omaha, Nebr.

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF ANIMAL INDUSTRY,
Washington, D. C., December 3, 18

SIR: The changes recommended in your recent letters from S Omaha have been carried into effect, and it will probably be wel you to return when your inspection at Sioux City is complete. I v you a few days ago to inspect Sioux City in order to put the work uniform basis at all of these points.

There have been many complaints that the inspection was more at some of these places than at others, and while this is probab part due to local jealousy, the Secretary is desirous of removing cause of complaint which may exist. He has just written to Dr. that he will support him in maintaining discipline, and that no pol influence will shield any of his employees.

It is time that the men on the force at South Omaha learn tha Secretary intends to conduct the inspection on a business basis an to allow political influence to interfere with that intention.

You will please write me on your return to South Omaha how ters are going on, and if any further action is necessary to mai discipline and secure honest service, and make such recommenda as you think will best secure this object.

Very respectfully,

D. E. SALMON,
Chief of Bure

Dr. W. S. DEVOE,
(Care Dr. John Airth, care Sioux City Packing Company),
Sioux City, Io

FEBRUARY 14, 18

DEAR SIR: I have just written to the owners of the Packers' Nat Bank that our force will continue to occupy that building, prov

are at work, to see that the work is properly conducted and that their findings are reliable. It is not satisfactory to me to have the assistant microscopists work without constant supervision, and I shall expect you, therefore, to remain with them and enforce order and attention to the work, and see that the work is properly performed.

The property of the Department used in microscopical inspection should be under your immediate care, and you should see that it is not unnecessarily damaged or lost. I learn, for instance, from the inventory, that ten pair of scissors and two sample boxes have disappeared or been lost. Your supervision of this work should be so rigid that property of this kind could not be removed or lost without its coming at once to your attention, and in that case you should report the matter to Dr. Ayer with a statement of who is the responsible party, and the substance of this report can then be embodied in Dr. Ayer's report to this Department.

I inclose with this, for your information, copy of an order which I have made in regard to the care of the Government property.

Very respectfully,

J. STERLING MORTON, *Secretary.*

Dr. W. S. WHITE,
(Care Packers' National Bank),
South Omaha, Nebr.

OMAHA, NEBR., *February 15, 1897.*

GENTLEMEN: Your letter of the 8th, relating to the removal of certain persons in the Bureau of Animal Industry at South Omaha, in which you request us to furnish affidavits covering the points in my letter of February 3, received. In reply would say that I will prepare and forward affidavits as soon as possible. My clients are handicapped, however, by the fact that they are denied a copy of the charges preferred against them. "Neglect of duty" is a most general charge. It covers every form of neglect, and the result is that, as we are advised at the present time, it will be necessary to negative every possible form of neglect of duty, whereas if we knew what specific act was alleged as constituting neglect of duty, or wherein or how or when my clients were guilty of neglect, it would be quite far easier to meet the charge.

Again I ask you, Will you furnish my clients with a copy of the charges preferred and the affidavits filed by the Secretary of Agriculture?

We think that we are entitled to the names of the persons preferring the charges and making the affidavits, but if for any reason you do not wish to give them, send us copy of balance of showing. Another thing we desire to state here and now is that the other employees at South Omaha will not voluntarily give affidavits in this matter for fear of losing their positions.

After March 4, or in the event a commissioner is sent here to take testimony, there will be no trouble in securing the evidence of the employees.

Yours, truly,

W. H. HERDMAN.

CIVIL SERVICE COMMISSION,
Washington, D. C.

On the 22d of February, 1897, the Senate agreed to the following resolution:

"*Resolved*, That the Secretary of Agriculture be, and he is hereby, directed to send to the Senate true, full, and accurate copies of all affidavits and depositions, including the names of the affiants and deponents, and all letters and documentary evidence on which the removal of Dr. W. S. White, John Zeller, William Holmes, Mary A. Dalton, and Mary Flynn, or any of them, were removed from their positions in the Bureau of Animal Industry, at South Omaha, Nebraska, or in any manner justify said removals, or any of them."

The Secretary of Agriculture replied, under date of February 25, 1897, as follows:

U. S. DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D. C., February 25, 1897.

Referring to the resolution of the Senate of the United States of February 22, 1897, calling upon the Secretary of Agriculture to send copies of all affidavits and depositions, including the names of the affiants and deponents, and all letters and documentary evidence, on which W. S. White, John Zeller, William Holmes, Mary R. Dalton, and Mary Flynn, or any of them, were removed from their positions in the Bureau of Animal Industry at South Omaha, Nebr., or which in any manner justified such removals, or any of them, I have the honor to state that the action referred to was made upon official knowledge of the condition of the service at South Omaha, acquired through oral reports received from the inspectors of the Bureau of Animal Industry and from the chief of that Bureau. After Dr. Salmon visited South Omaha in 1894 he reported to me that Dr. White was doing a private practice during office hours, and that his influence was prejudicial to the discipline of the employees.

From my knowledge of Dr. White, I was of the opinion that his action was simply an error of judgment, and that cautionary instructions would be sufficient to secure proper attention to his duties. Being finally convinced that he would not give proper attention to the service, I removed him from the position which he held. John Zeller, William Holmes, Mary R. Dalton, and Mary Flynn were inefficient and incompetent, and were removed for that reason.

I inclose copies of letters and affidavits which are considered sufficient evidence of a condition of affairs at South Omaha that demanded correction, and also show that Dr. White, especially, had been repeatedly notified that he was expected to give his time and attention during office hours to his official work. The affidavits were taken after the removal was made, upon receipt of information that the case was to be brought by Dr. White to the attention of the Civil Service Commission.

Very respectfully,

J. STERLING MORTON,
Secretary.

The PRESIDENT OF THE SENATE.

UNITED STATES DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D. C., December 3, 1894.

SIR: A report from Dr. Devoe, relative to the efficiency of the force at South Omaha, convinces me that you are doing your very best to

make the work of the Bureau of Animal Industry of value to the packers and the public. Therefore, you are again instructed that in the discharge of your duty you shall know no qualification for employees under you except fidelity to their duties and the faithful discharge of the same day after day. No man will be retained on account of mere politics, and no man need think for a moment that he has a "pull" (if one may use the political parlance of the day), either with the Secretary of Agriculture or any other member of the Administration, that will continue him in office unless he does his duty thoroughly well and keeps always intact his reputation as an industrious, temperate, decent, quiet citizen.

This letter you are at liberty to show to any and all comers.

Respectfully, yours,

J. STERLING MORTON, *Secretary.*

Dr. DON C. AYER,
Bureau of Animal Industry, South Omaha, Nebr.

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF ANIMAL INDUSTRY,
Washington, D. C., December 3, 1894.

SIR: You will please inform the packers for whom you are inspecting that, beginning with the 15th instant, they will be expected to furnish the labor required to put the stamps on packages. The work must be under the supervision of the employees of this Bureau, and you will see that someone is at each packing house who is responsible for the stamps used and who will know of his personal knowledge that they have all been put upon the packages. After making these arrangements you will please make a report on the condition and efficiency of your force, and state how many men can be dispensed with without injury to the service; also make recommendations as to the parties who are of the least use to you, so that in making reductions the most efficient employees may be retained.

It is the Secretary's desire to place the force at South Omaha upon a good working basis, and he has written you to-day to assure you that he would not countenance insubordination or the attempt by anyone to avoid the work or responsibilities which their position implies.

Very respectfully,

D. E. SALMON, *Chief of Bureau.*

Dr. DON C. AYER
(Care Cudahy Packing Company),
South Omaha, Nebr.

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF ANIMAL INDUSTRY,
Washington, D. C., December 3, 1894.

SIR: The changes recommended in your recent letters from South Omaha have been carried into effect, and it will probably be well for you to return when your inspection at Sioux City is complete. I wrote you a few days ago to inspect Sioux City, Nebraska City, St. Joseph, and Kansas City in order to put the work on a uniform basis at all of these points.

discipline and secure honest service, and make such recommenda
as you think will best secure this object.

Very respectfully,

D. E. SALMON,
Chief of Bure

Dr. W. S. DEVOE
(Care Dr. John Airth, care Sioux City Packing Co.),
Sioux City, Iowa.

FEBRUARY 14, 18

DEAR SIR: I have just written to the owners of the Packers' Nat
Bank that our force will continue to occupy that building, provi
skylights are put in and the partitions are removed between the r
occupied by the assistant microscopists so that there can be one l
room for their use. I have asked them to consult with Dr. Aye
yourself as to the number of partitions that should be removed.

In making a room for the microscopical work it should be l
enough to accommodate as large a force as is likely to be needed
may, however, be more convenient to you to have one of the
rooms retained as a storeroom, and that you could still have a l
enough room made from the others. I leave this to the discreti
Dr. Ayer and yourself. When this change is made, I desire tha
shall remain in the room with the assistant microscopists while
are at work to see that the work is properly conducted and that
findings are reliable. It is not satisfactory to me to have the assi
microscopists work without constant supervision, and I shall e
you, therefore, to remain with them and enforce order and attenti
the work and see that the work is properly performed.

The property of the Department used in the microscopical inspe
should be under your immediate care, and you should see that it i
unnecessarily damaged or lost. I learn, for instance, from the inve
that ten pairs of scissors and two sample boxes have recently d
peared or been lost. Your supervision of this work should be so
that property of this kind could not be removed or lost withou

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF ANIMAL INDUSTRY,
Washington, D. C., November 28, 1896.

DEAR SIR: I am in receipt of your letter of the 23d instant, and note your statement that you have not retained counsel to bring your case before the Civil Service Commission, and that having lived fifty years without going to law that you think you can spend the remainder of your days without it. I think your decision is a wise one, particularly as Secretary Morton has demonstrated his desire to assist you by your appointment and retention in office until this time.

I presume you feel that you gave proper attention to your duties while you were in the employ of the Department, but it is well to remember that different people look at the same thing from different points of view. I may state frankly to you that when I visited South Omaha I was surprised to find you occupying the main office and conducting a private medical practice there, while the assistant microscopists were at work on another floor of the building, where you certainly could not give them the constant supervision which is required in such cases. Even if you visited the microscopical rooms as frequently as was necessary, this manner of conducting the business was calculated to cause criticism of your management and lead to unfavorable conclusions as to the character of the inspection. It led to serious reflections being made in regard to yourself and to unfavorable comments in reference to the Secretary, although he and I, previous to my visit, were both entirely ignorant of these facts.

On my return I presented this matter to him, and my report led to the changes which were afterwards made and which you appeared to think were directed against you personally, although the object was simply to maintain the reputation of the administration of the inspection service at South Omaha. I have regretted that you considered it necessary to practice medicine while in the employ of the Department, and particularly that you should have an office in the same building with the Bureau office and that you should give any time to such private practice during office hours. It always appeared to me that this was objectionable and would lead to reports of neglect of duty, no matter how faithful you might be in performing the duties which were intrusted to you.

While I am not in a position to know all of the details concerning your actions and the reports which reached the Secretary, I do know that he received reports from friends, and perhaps others, which were of such a nature that he felt compelled to take the action which he did in the interest of public service; and considering the facts which I have already referred to, I could not be surprised at his receiving such reports, or at their being so numerous and so strong as to require attention at his hands.

Very respectfully,

D. E. SALMON,
Chief of Bureau.

Dr. W. S. WHITE,
South Omaha, Nebr.

SOUTH OMAHA, NEBR., *January 6, 1897.*

SIR: I herewith hand you my report and findings in the investigation at South Omaha on Dr. W. S. White and Mr. John Zeller, and hope the information will be satisfactory. I find it extremely difficult to get day and dates, as there has been no record that would give Dr.

White's absences; and while I am satisfied as to the truthfulness of the reports as to Dr. White absenting himself from his office during working hours to attend to professional calls, I am unable to get dates as I would like, but I have done the best I could. The affidavits herewith submitted are not of as recent a date as I would like, as I have been unable to secure them. Yet they attest the fact that Dr. White always went when he was called; of this there is not the slightest doubt to my mind. I also inclose in this report the statement of R. A. Carpenter, city clerk, as to the births reported by Dr. White.

My investigation has been somewhat delayed on account of the severity of the weather. Hoping that the evidence taken will be sufficient, I herewith submit the same.

Very respectfully, yours,

EDWARD SHELDEN.

Dr. D. E. SALMON,
Chief of Bureau, Washington, D. C.

SOUTH OMAHA, NEBR., *November 27, 1896.*

STATEMENT OF DON C. AYER, INSPECTOR, SOUTH OMAHA, NEBR.

Q. Doctor, please state the position you hold under the Government at South Omaha, Nebr.—A. Chief inspector, Bureau of Animal Industry.

Q. How long have you held that position?—A. Since August 10, 1894.

Q. Was Dr. White chief microscopist when you took charge?—A. He was.

Q. How has he performed his duties?—A. Fairly well at times, and at other times with carelessness and neglect of duty.

Q. What do I understand you to mean by carelessness and neglect of duty?—A. Carelessness in his reports, which have been corrected many times, and neglect of duty by receiving professional visitors and making professional calls during working hours, and, after being ordered to desist, placed a card on his office door—"For Dr. White enquire up stairs," directing the public to the microscopical room for his own personal gain and to the detriment of the service.

Q. Doctor, in regard to Miss Mary Flynn and Mary A. Dalton, did you consider them competent assistant microscopists?—A. Not having had a personal supervision of their work, but from reliable information I will say that I consider them incompetent as assistant microscopists.

Dr. DON C. AYER.

Sworn to and subscribed in my presence this 28th day of November, A. D. 1896.

[SEAL.] LAWR. M. SCHIBSBY, *Notary Public.*

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF ANIMAL INDUSTRY,
South Omaha, Nebr., December 30, 1896.

Mr. EDWARD SHELDEN, *South Omaha, Nebr.*

SIR: I am unable to give date and day when Dr. White was away from his office during working hours. It is safe to say that he attended

every call that he received. I am at the stock yards and abattoirs more than half of the time during the day, and he could come and go without my knowledge. He always gave the impression to the employees here that the influence he had with the Secretary of Agriculture was such that he could do as he pleased regardless of my orders. His conduct during the summer and fall of 1894, up to the time of his discharge, was such as to prejudice good order and discipline very much to the detriment of the usefulness of the employees at this station. For proof of this I will refer to the post-mortem reports of abattoirs Nos. 5 and 14, which have increased in efficiency very materially since his discharge.

I received a letter on September 9 from G. M. Brumbaugh, acting chief, informing me that no one should be granted special privileges on account of any friendly relations supposed to exist between themselves and the Secretary of Agriculture. I therefore ordered Dr. White not to make any more professional visits and to receive no visitors, professionally, during working hours. After receiving the above order he placed a card on his office door, which is at the foot of the stairs leading to the microscopical room, which bore these words: "For Dr. White, inquire upstairs," and more or less people called on him at the microscopical room and at his private office. During the latter part of September Dr. A. D. Melvin was here and saw the card on the door of his office, and on October 2 Mr. Edward Shelden saw the same sign. When Dr. White was aware of their presence, he would remove the card and place it back again when they went away. I called Dr. White's attention to the fact that he was not complying with the order given him. He then changed the card on the door to read "Walk in," and on his desk in the most conspicuous place was the card, "For Dr. White, inquire upstairs." Finally I told him that he must obey the order or I would report him to the chief of the Bureau. He then removed the card from the desk in his office, but left the card, "Walk in," on his door.

Very respectfully, DON C. AYER, *Inspector.*

Subscribed in my presence and sworn to before me this 6th day of January, 1897.

[SEAL.] LAWR. M. SCHIBSBY, *Notary Public.*

SOUTH OMAHA, *November 27, 1896.*

STATEMENT OF MR. L. SCHIBSBY.

Q. Mr. Schibsby, what position do you hold under the Government at South Omaha, Nebr.?—A. Tagger.

Q. How long have you been in the employment of the Government?—A. My commission is dated November 6, 1893, and I began work November 9, 1893.

Q. What particular duty are you assigned to as tagger?—A. One is looking after trichinæ meat, sealing cars, stamping, and all duties pertaining to a tagger.

Q. Have any mistakes or errors come under your observation in the discharge of your duties in reference to microscopical work?—A. Yes, quite a few.

Q. Please state them.—A. On September 4, 1896, I came to Dr. White's office and asked him what time I could get the numbers of the

pieces of meat containing trichinæ. He replied, "Call at 11.30 a. m." I called at that time, when he informed me that they were not ready, but to call at 1 o'clock. I called at that time, and Dr. White was absent from his office, and Miss Flynn gave me the trichinæ numbers, which proved to be incorrect, as she did not give me all the numbers. She gave me but six, when I should have been given eight. Two pieces of meat containing trichinæ were shipped as examined meat on account of error. This is one time, and I have more.

Q. How often did this happen that the assistant microscopists gave you the trichinæ numbers?—A. Several times from the girls.

L. SCHIBSBY.

Sworn to and subscribed in my presence this 28th day of November, 1896.

[SEAL.] F. J. MORIARTY, *Notary Public.*

SOUTH OMAHA, NEBR., *November 27, 1896.*

STATEMENT OF MRS. IDA E. BUSHNELL.

Q. Mrs. Bushnell, please state the position you hold under the Government.—A. Assistant microscopist, Bureau of Animal Industry, South Omaha, Nebr.

Q. How long have you been in the employment of the Government?—A. Received my appointment three years ago the 16th of last May.

Q. Who has been your chief during that time?—A. When I came into the office Dr. E. L. Siggins was in charge.

Q. Who next?—A. Dr. W. S. White.

Q. Mrs. Bushnell, during Dr. White's time did he give his undivided attention to the Bureau of Animal Industry?—A. No, sir.

Q. Please state in what way he has neglected his duty?—A. He received professional calls from patients and left the office repeatedly to visit patients during office hours.

Q. How long would he be absent from his work while making these calls?—A. In my best judgment from fifteen minutes to two hours, and in several instances a half a day at a time.

Q. Who would be put in charge while he was absent?—A. Sometimes one and sometimes another.

Q. Mrs. Bushnell, in your judgment, were Miss Mary Flynn and Miss Mary A. Dalton competent assistant microscopists?—A. I consider Miss Mary Flynn the better worker of the two, and both of them the poorest workers on the force.

Q. Was it the habit of Mr. John Zeller to call on Dr. White at the microscopical room during working hours?—A. Yes.

Q. What was the nature of his visits?—A. Seemingly to discuss politics, as they did it openly in the room.

Q. How long had he been in the habit of doing this?—A. At least four weeks before his removal.

IDA E. BUSHNELL.

Sworn to and subscribed in my presence this 28th day of November, 1896.

[SEAL.] LAWR. M. SCHIBSBY, *Notary Public.*

NOVEMBER 27, 1896.

STATEMENT MADE BY LULU E. GIBSON.

Q. Miss Gibson, what position do you hold under the Government at South Omaha, Nebr.?—A. Assistant microscopist, Bureau of Animal Industry.

Q. How long have you been in the employment of the Government?—A. I was appointed December 27, 1892.

Q. Have you continued in the service since the above date?—A. No; I resigned my position on the 18th of last April, and was reappointed September 1, 1896.

Q. Has Dr. White given his undivided time and attention to the Bureau during office hours since you have been employed under him?—A. No, sir; he has not.

Q. Please state in what manner he has neglected his duty.—A. He would absent himself from the office.

Q. For what length of time?—A. From one hour to half a day at a time.

Q. Was it Dr. White's custom to receive callers in the microscopical room during business hours?—A. Yes; but would on some occasions invite them out in the hall and on others see them in the room.

Q. Miss Gibson, are you acquainted with Mr. John Zeller?—A. Yes, sir.

Q. Was it his practice to call on Dr. White during working hours?—A. Yes, sir; it was.

Q. What was the nature of his calls?—A. Judging from the conversation, it was to talk politics.

Q. Did the Doctor discuss matters openly with him in the room?—A. He did.

Q. How long a time did he continue this practice?—A. Should think a month before election and a week after.

Q. Miss Gibson, in your estimation, were Miss Mary Flynn and Miss Mary A. Dalton competent assistant microscopists?—A. Well, no; Dr. White found trichinæ in the same samples which Miss Dalton had examined about one week before her dismissal.

Q. How about Miss Flynn?—A. Think her the best worker of the two.

LULU E. GIBSON.

Sworn to and subscribed in my presence this 28th day of November, 1896.

[SEAL.] LAWR. M. SCHIBSBY, *Notary Public.*

SOUTH OMAHA, NEBR., *November 27, 1896.*

STATEMENT MADE BY MISS ETTA THOMPSON.

Q. Miss Thompson, please state what position you hold under the Government.—A. Assistant microscopist, Bureau of Animal Industry.

Q. How long have you held said position?—A. Four years; since November, 1892.

Q. Who has been your chief during that time?—A. Drs. Hewitson, Siggins, and White.

Q. During Dr. White's term of office has he given his undivided atten-

tion to the Bureau of Animal Industry during office hours?—A. No, sir; he has made professional calls.

Q. How often, in your judgment?—A. Should think it almost a daily occurrence.

Q. How long would he be absent from his duties at any one time while making calls?—A. Sometimes two or three hours and at other times not so long.

Q. What is the longest period that you can recall to mind that he absented himself from his duties?—A. I remember distinctly of his being absent one-half day at one time.

Q. Who would he place in charge while he was making the professional calls?—A. No one in particular.

Q. Was it the practice of Mr. John Zeller to call on Dr. White at the microscopical rooms during working hours?—A. Yes.

Q. What was the nature of his call?—A. Seemingly to discuss politics, as they did it openly in the room.

Q. How long had Mr. Zeller been in the habit of doing this?—A. I think from four to five weeks.

Q. Miss Thompson, in reference to Miss Mary Flynn and Miss Mary A. Dalton, what have you to say as to their proficiency as assistant microscopists?—A. I considered Miss Dalton the poorest worker on the force, and Miss Flynn but little better.

ETTA THOMPSON.

Sworn to and subscribed in my presence this 28th day of November, 1896.

[SEAL.] LAWR. M. SCHIBSBY, *Notary Public.*

DECEMBER 28, 1896.

STATEMENT OF JACOB I. PAYNE.

Q. Where do you reside?—A. 3514 South Twenty-first street, Omaha, Nebr.

Q. How long have you resided in Omaha?—A. Three years.

Q. Do you know Dr. W. S. White?—A. Yes, sir.

Q. Did you ever employ him as your family physician?—A. Yes, sir.

Q. Is he at present your family physician?—A. No, sir.

Q. Is this bill attached Dr. White's bill for professional calls at your home, i. e., four office consultations and thirty-three day calls?—A. Yes, sir.

Q. Did he come at any time during the day when you sent for him?—A. He always came when he was sent for.

Q. This bill is correct as to the amount charged you for his professional visits?—A. Yes, sir.

JACOB I. PAYNE.

Subscribed in my presence and sworn to before me this 6th day of January, 1897.

[SEAL.] LAWR. M. SCHIBSBY, *Notary Public.*

SOUTH OMAHA, *October 1, 1895*

Mr. J. I. Payne, to W. S. White, physician and surgeon, Dr., for services rendered to date.

4 office consultations, 33 day calls, night calls (obstetrics)	$45.00
Discount	5.00
April 6, 1894	2.00
April 19, 1895	5.00
June 19, 1895	6.00
Milk, 1894	11.20
Total	29.20
Turkey	1.00

CASH.

Amount	$45.00
Credits	29.20
Balance	15.80
Turkey	.80
	15.00
	11.00
	4.00

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF ANIMAL INDUSTRY,
December 28, 1896.

STATEMENT OF FRANK JELEN.

Q. What is your name?—A. Frank Jelen.

Q. Where do you reside?—A. 1701 South Fourteenth street, Omaha, Nebr.

Q. How long have you lived in Omaha?—A. Twenty years.

Q. Do you know Dr. W. S. White?—A. Yes, sir.

Q. Has Dr. White at any time been your family physician?—A. Yes, sir.

Q. Please state the different times he has made professional calls at your home.—A. Once; when our baby was born.

Q. When was that?—A. September 12, 1895.

Q. At what time did you call for Dr. White?—A. At 7.30 a. m.

Q. Do you know how long Dr. White was at your residence?—A. Three or four hours. It was after 2 p. m. when he left the house.

Q. Did he charge you for his professional services?—A. Yes, sir.

Q. How much did he charge for his professional services on that date, September 12, 1895?—A. Fifteen dollars.

Q. Was the above date the only time you called Dr. White professionally?—A. I don't quite remember; yes. I did not have him but the one time.

FRANK JELEN.

Subscribed in my presence and sworn to before me this 6th January, 1897.

[SEAL.] LAWR. M. SCHIBSBY, *Notary Public.*

Q. Was Mr. Zeller there?—A. Yes, sir.

Q. How long was the committee in session?—A. Two hours or lon

Q. Can you give me the date of this meeting?—A. Yes, sir. It on April 11, 1895.

Q. How long does it take to go from South Omaha to Omaha?- About forty minutes.

JOSEPH BUTLE

Subscribed in my presence and sworn to before me this 6th da January, 1897.

[SEAL.] LAWR. M. SCHIBSBY, *Notary Publi*

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF ANIMAL INDUSTRY,
December 28, 189

STATEMENT OF PHILIP SMITH.

Q. Mr. Smith, where do you reside?—A. 1233 South Twenty-eig street, Omaha, Nebr.

Q. How long have you lived in Omaha?—A. Fourteen years.

Q. Do you know Mr. John Zeller?—A. Yes, sir.

Q. Did you attend the county central committee meeting at the t they selected delegates for the State convention?—A. Yes, sir.

Q. Was Mr. Zeller there?—A. Yes, sir.

Q. At what time of day was the meeting called?—Three o'clock.

Q. Was this the time for the meeting in Omaha?—A. Yes, sir.

Q. How long does it take to go from South Omaha to Omaha?- Forty minutes to Farnam street.

Q. It takes the same length of time to return, does it not?- Yes, sir.

Q. Then a man would have to leave South Omaha at 2.10 to ar

DECEMBER 31, 1896.

STATEMENT OF LULU E. GIBSON.

Q. Miss Gibson, where do you reside?—A. Twenty-eighth and G streets, South Omaha, Nebr.

Q. What time do the calls on this bill attached cover—from what date to what date?—A. From January 21, 1896, to May 30, 1896.

Q. Were these calls made as stated on the bill, i. e., nine day calls and one night call?—A. Yes, sir.

Q. Were these prescriptions charged to you by Howard Meyers, as per statement gotten by Dr. White?—A. Yes, sir.

LULU E. GIBSON.

Subscribed in my presence and sworn to before me this 6th day of January, 1897.

[SEAL.] LAWR. M. SCHIBSBY, *Notary Public.*

SOUTH OMAHA, NEBR.

Miss Lou Gibson, in account with Howard Meyers, prescription druggist.

Jan. 21, 1896, 3 R, White	$1.35
May 24, '96, 2 R, White	.85
May 24, '96, 1 R ref., White	.35
May 30, '96, 1 R ref., White	.50

SOUTH OMAHA, *January 1, 1897.*

Miss Lulu E. Gibson to W. S. White, physician and surgeon, Dr., for services rendered to date.

Office consultations, 9 day calls, 1 night call	$15.00
Amount	15.00
Credits	2.00
Balance	13.00

DECEMBER 31, 1896.

STATEMENT OF W. K. JACOBS.

Q. Where do you reside?—A. 3016 Oak street, Omaha, Nebr.

Q. How long have you resided in Omaha?—A. Fifteen years.

Q. Do you know Mr. John Zeller?—A. Yes, sir.

Q. Did you attend the county central committee meeting at the time they selected delegates for the State convention?—A. Yes, sir.

Q. On what date was that?—A. Eleventh of April, 1896.

Q. Was Mr. Zeller there?—A. He was.

Q. At what time of day was this meeting called?—A. The meeting was set for 2 o'clock, but it was not called to order until 3.

Q. Was Mr. Zeller there at 2 p. m.?—A. I am not positive. He was there at 3.

Q. How long does it take to go from South Omaha to Omaha?—A. About forty minutes.

Q. How long did the meeting last on that date, April 11, 1896?—A. It lasted two hours, and possibly longer; but I know it was that long.

Q. Did you hold any office at this meeting?—A. Yes, sir; I was a member of the county central committee.

W. K. JACOBS.

Subscribed in my presence and sworn to before me this 6th day of January, 1897.

[SEAL.] LAWR. M. SCHIBSBY, *Notary Public.*

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF ANIMAL INDUSTRY,
January 1, 1897.

STATEMENT OF DR. DON C. AYER.

Q. Dr. Ayer, where do you reside?—A. 1624 Howard street, Omaha, Nebr.

Q. What is your occupation?—A. Inspector in charge, Bureau of Animal Industry, South Omaha, Nebr.

Q. Did you excuse Mr. John Zeller from his duties as tagger on April 11, 1896?—A. No, sir.

Q. Has any other person connected with the Bureau of Animal Industry the authority to excuse employees from duty?—A. No, sir.

Dr. DON C. AYER.

Subscribed in my presence and sworn to before me this 6th day of January, 1897.

[SEAL.] LAWR. M. SCHIBSBY, *Notary Public.*

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF ANIMAL INDUSTRY,
January 1, 1897.

STATEMENT OF CHARLES CONOYER.

Q. Mr. Conoyer, where do you reside?—A. 724 Pierce street, Omaha, Nebr.

Q. What is your occupation?—A. Clerk in the Bureau of Animal Industry, South Omaha, Nebr.

Q. What is the nature of your work?—A. Clerking, issuing supplies, keeping time reports, keeping books, receiving supplies, and the reports each day after the work is finished at the different abattoirs.

Q. On April 11, 1896, what time did Mr. Zeller report in the morning for duty?—A. At 8 o'clock a. m.

Q. At what hour does your record show that he left his work on April 11, 1896?—A. At 2 p. m.

Q. At what time did Dr. Schirmer report as being through his post-mortem work on that day?—A. At 3.15 p. m., and the stock examiner at 3.30 p. m., and Mr. Burkard and Mr. Kostal, taggers, at 4.30 p. m.

Q. Mr. Conoyer, was Mr. John Zeller excused from his duties on April 11, 1896?—A. Not to my knowledge.

Q. You would know it, as timekeeper, if he had been excused on April 11, 1896, would you not?—A. Yes, Dr. Ayer notifies me when he excuses the men.

Q. What does John Zeller's report show for that day?—A. His report shows that he was through tagging at 2 o'clock, while the inspectors' and stock examiners' reports show they were killing cattle and sheep after 3 o'clock at abattoir No. 14, where Mr. Zeller was working.

CHARLES CONOYER.

Subscribed in my presence and sworn to before me this 6th of January, 1897.

[SEAL.] LAWR. M. SCHIBSBY,
Notary Public.

DAILY TIME REPORT.

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF ANIMAL INDUSTRY,
April 11, 1896.

No. live animals tagged	
No. carcasses tagged	
No. beef quarters tagged	
No. packages stamped	
No. ante-mortems:	
Cattle	
Hogs	
Sheep	
Calves	
No. post-mortems:	
Cattle	265
Hogs	
Sheep	71
Calves	2
No. pork samples taken	
Special work	

No. hours employed, 8 a. m. to 3.30 p. m.

GEORGE SEAY, *Stock Ex.*

DAILY TIME REPORT.

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF ANIMAL INDUSTRY,
April 11, 1896.

No. live animals tagged	
No. carcasses tagged	
No. beef quarters tagged	
No. packages stamped	
No. ante-mortems:	
Cattle	265
Hogs	1,069
Sheep	71
Calves	2

No. post-mortems:
Cattle.....
Hogs.....
Sheep.....
Calves.....
No. pork samples taken.....
Special work.....
Supervising work.....
No. hours employed, 8 to 3.15.

E. W. SCHIRMER, *Inspector.*

DAILY TIME REPORT.

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF ANIMAL INDUSTRY,
April 11, 1896.

No. live animals tagged, calves.....
No. carcasses tagged, sheep..... 18
No. beef quarters tagged..... 258
No. packages stamped.....
No. ante-mortems, cattle, hogs, sheep, calves...Nos. 8107515 to 8108619
No. post-mortems:
Cattle.....
Hogs.....
Sheep.....
Calves.....
No. pork samples taken.....
Special work.....
No. hours employed, 8 a. m. to 2 p. m.

JOHN ZELLER.

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF ANIMAL INDUSTRY,
January 5, 1897.

STATEMENT OF DR. E. W. SCHIRMER.

Q. Doctor, was this time slip for April 11, 1896?—A. Yes, sir; that is my signature.

Q. How long would it take to tag the carcasses of animals after you are through with your post-mortem examinations?—A. About half an hour.

Q. Is it not impossible to tag carcasses before they are killed?—A. Yes, sir.

E. W. SCHIRMER, *Inspector.*

Subscribed in my presence and sworn to before me this 6th day of January, 1897.

[SEAL.] LAWR. M. SCHIBSBY, *Notary Public.*

SOUTH OMAHA, NEBR., *January 5, 1897.*

STATEMENT OF HENRY BEAL.

Q. Where do you reside?—A. Twenty-fifth and Wyman streets, South Omaha, Nebr.

Q. How long have you lived in South Omaha?—A. Ten years.

Q. Do you know Dr. W. S. White?—A. Yes, sir.

Q. Has he at any time been your family physician?—A. Yes, sir; he waited on my wife when our baby was born.

Q. What date was that?—A. December, 1895.

Q. Has he made any other professional visits at your residence?—A. Yes. On last August I brought my boy to his office.

Q. What did the Doctor charge you for his professional services when your wife was confined?—A. Fifteen dollars.

HENRY BEAL.

Subscribed and sworn to in my presence this 5th day of January, 1897.

[SEAL.] F. J. MORIARTY, *Notary Public.*

JANUARY 6, 1897.

STATEMENT OF CHARLES CONOYER.

Q. Mr. Conoyer, where do you reside?—A. 724 Pierce street, Omaha, Nebr.

Q. What is your occupation?—A. Clerk in the Bureau of Animal Industry, South Omaha, Nebr.

Q. What is the nature of your work?—A. Issuing supplies, keeping time, keeping books, receiving supplies and reports after each day's work is finished.

Q. What time do you arrive at your office in the morning?—A. I am at the office at 7.15 a. m.

Q. What time do you leave the office?—A. After 5.30 p. m.

Q. Do you know Dr. W. S. White?—A. Yes, sir.

Q. What position did Dr. White hold in the Bureau of Animal Industry at South Omaha?—A. Chief microscopist.

Q. Where was Dr. White's office?—A. His private office was connected with the main office.

Q. Do you know of Dr. White's attending to any private business during office hours?—A. Whenever there was a telephone call, he invariably took his private case and left the office, and when patients called on him at the office he always attended them there.

CHARLES CONOYER.

Subscribed in my presence and sworn to before me this 6th day of January, 1897.

[SEAL.] LAWR. M. SCHIBSBY, *Notary Public.*

CITY OF SOUTH OMAHA,
South Omaha, Neb., ———, ——.

Dec., 1895	1	1896.	
1896.		June	0
		July	0
Jan	1	Aug	0
Feb	1	Sept	1
March	1	Oct	0
April	0	Nov	0
May	0	Dec	

Beal, Henry, 25 and Wyman; Laidlow, A., 27 and H; Miller, R. D., 32 and I; Tangeman, H., 22 and N; Tangeman, 24 and H.

Births as reported by Dr. W. S. White to city clerk to Dec. 1, 1896.

[SEAL.] R. A. CARPENTER, *City Clerk.*

STATEMENT OF DAVID RUSH.

Q. Mr. Rush, where do you reside?—A. Fiftieth and Webster streets, Omaha, Nebr.

Q. What is your occupation?—A. Clerk in the Bureau of Animal Industry, South Omaha, Nebr.

Q. What time do you arrive at your office in the morning?—A. Eight to 8.30.

Q. Do you know Dr. W. S. White?—A. Yes, sir.

Q. What position did Dr. W. S. White hold in the Bureau of Animal Industry at South Omaha?—A. Chief microscopist.

Q. Where was Dr. White's office?—A. His private office connected with the main office.

Q. Do you know of Dr. White attending to any private business during office hours?—A. Yes; whenever there was a call he invariably took his private case and left the office, and whenever patients called on him at the office he attended to them there.

DAVID RUSH.

Subscribed in my presence and sworn to before me this 6th day of January, 1897.

[SEAL.] LAWR. M. SCHIBSBY, *Notary Public.*

The CHAIRMAN. I have put in the foregoing documents to make the record complete. Now we will proceed. Who is the first witness?

W. C. Lambert, esq., appeared as counsel for Dr. W. S. White.

Mr. LAMBERT. May I be pardoned for asking what will be the method of procedure?

The CHAIRMAN. Our usual method has been to introduce a witness and let him state all he knows, except in cases where parties have attorneys. You can proceed in any way you wish.

Mr. LAMBERT. I merely desire to know the order of procedure.

The CHAIRMAN. Dr. White is one of the parties who was dismissed.

Mr. LAMBERT. Yes, sir; he is one of the parties who was dismissed. Then I will be permitted to ask questions?

The CHAIRMAN. Yes.

TESTIMONY OF DR. WILLIAM S. WHITE.

Dr. WILLIAM S. WHITE, being duly sworn, testified as follows:

Mr. LAMBERT. You may state your business at this time.

Dr. WHITE. My business is that of a physician and surgeon.

Mr. LAMBERT. How long have you been a physician and surgeon?

Dr. WHITE. Since 1871.

Mr. LAMBERT. You may state whether or not at any time you were connected with the Bureau of Animal Industry at South Omaha.

Dr. WHITE. I was placed in charge of the microscopic department the 1st day of September, 1893, and had to oversee it until the 15th of November, 1896.

Mr. LAMBERT. You may state how your relations with the Bureau were terminated.

Dr. WHITE. My duty was simply to oversee the work; to see that the girls were given work to do daily.

Mr. LAMBERT. No; I mean how were your relations with the Bureau terminated?

Dr. WHITE. I was discharged by Secretary Morton for alleged neglect of duty.

Mr. LAMBERT. Have you with you a copy of your discharge?

Mr. WHITE. I have.

Mr. LAMBERT. State the date of the discharge and the ground therefor.

Dr. WHITE. It is dated November 9, 1896. It is said I was removed for neglect of duty.

UNITED STATES DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D. C., November 9, 1896.

Mr. W. S. White, a microscopist, at South Omaha, Neb., having a salary of $1,400 per annum in the Bureau of Animal Industry of the United States Department of Agriculture, is hereby discharged from that position and his name ordered dropped from the rolls of the Department at the termination of November 15, 1896.

For neglect of duty.

J. STERLING MORTON, *Secretary.*

Mr. LAMBERT. I believe you stated that you were chief microscopist.

Dr. WHITE. Yes, sir; at South Omaha.

Mr. LAMBERT. State in detail your duties at the Bureau.

Dr. WHITE. My duties were to oversee the assistants; to see that work was given out daily; to verify their work; to make out the daily reports and send them to Washington, and also to make out the monthly report and forward it to Washington.

Mr. LAMBERT. To be sent to Washington?

Dr. WHITE. Yes, sir.

Mr. LAMBERT. How often were those reports forwarded?

Dr. WHITE. The daily report was forwarded daily, and the monthly report, monthly.

Mr. LAMBERT. What do you mean by giving out the work—to the assistant microscopists?

Dr. WHITE. I usually gave each of them fifty samples taken from the carcass, or piece meats—ham, sides, or shoulders; fifty pieces for a day's work.

Mr. LAMBERT. To each?

Dr. WHITE. To each assistant microscopist.

Mr. LAMBERT. How were those pieces furnished to you?

Dr. WHITE. The tagger brought them over, usually the day before; they were kept there during the night, and the first thing I did early every morning was to begin at 8 o'clock. The little janitress called out the numbers for me the first thing, so as not to keep the girls waiting when they came to work at half past 8.

Mr. LAMBERT. Your distribution was usually at 8 o'clock?

Dr. WHITE. Uniformly. I think you will find, by the testimony of witnesses, that it never varied.

Mr. LAMBERT. When did your department open in the morning?

Dr. WHITE. Yes, sir; for the day.

Dr. LAMBERT. After distributing the particles, as you have described, then what was your further duty in connection with department?

Dr. WHITE. To be around the building; to verify the work w was called upon. If anybody found trichinæ, I was called in to veri

Mr. LAMBERT. What do you mean by "verification?"

Dr. WHITE. Whenever they found trichinæ, they called me.

Mr. LAMBERT. And you would examine it and pronounce judgn

Dr. WHITE. Yes, sir.

Mr. LAMBERT. What was your further duty in that connection

Dr. WHITE. Simply to make out the reports and forward the take them down to the clerk and he forwarded them to Washingt

Mr. LAMBERT. The clerk was in the building?

Dr. WHITE. Yes, sir; downstairs.

Mr. LAMBERT. The work you have just described was repeated day?

Dr. WHITE. Yes, sir.

Mr. LAMBERT. At all times?

Dr. WHITE. All the time.

Mr. LAMBERT. You may state at this time what meats you exam whether they were meats for exports.

Dr. WHITE. All for export.

Mr. LAMBERT. For export purposes?

Dr. WHITE. Yes, sir; entirely.

Mr. LAMBERT. Any other purpose?

Dr. WHITE. No other purpose than for export.

Mr. LAMBERT. You may state whether after this investigatio made anything further was done with your findings except to se the report. Did you send to the different packing houses tags or evidence of your having examined the meat—for instance, if you some defective meat?

Dr. WHITE. The tagger would come over and get the numbers cut out the trichinæ numbers.

Mr. LAMBERT. And take them to the packing house?

girl who gave out the work for me, you will find I never was absent. I do not remember ever to have been absent. I may have been, but I do not think I was.

Mr. LAMBERT. Were you there the whole of each day?

Dr. WHITE. Yes, sir; except at noon and at the recesses. I would go to my office and my dinner at recess.

Mr. LAMBERT. You may state whether or not during that time you practiced your profession?

Dr. WHITE. I did; outside of working hours.

Mr. LAMBERT. Did you at any time do so during working hours?

Dr. WHITE. No, sir.

Mr. LAMBERT. Did you ever make any calls upon patients during those hours?

Dr. WHITE. Not to leave the room. I can not remember ever to have left the room to make a call except at noon. I made some calls at noon, but I do not remember ever to have left the room to make any calls, except it was that I made an emergency call; but I do not remember that.

Mr. LAMBERT. Did you, during that time, prescribe for your patients?

Dr. WHITE. I sometimes came to the office, but very seldom. I made arrangements to call after working hours.

Mr. LAMBERT. If you did step out of the office for the purpose of prescribing or otherwise, how long would you be absent?

Dr. WHITE. A very few minutes.

Mr. LAMBERT. State whether or not in your judgement it was absolutely necessary that you should be in the department at all times.

Dr. WHITE. I do not think it was really necessary.

Mr. LAMBERT. Do you recall that at any time in your absence defective or trichinous meat was discovered?

Dr. WHITE. I suppose so; but they called some of the older girls to verify the work.

Mr. LAMBERT. Can you name any person who was called in your absence?

Dr. WHITE. Yes, sir; I think Mrs. Bushnell and Miss Gibson; probably some of them; perhaps some of the girls now present would verify it.

Mr. LAMBERT. In your absence?

Dr. WHITE. Yes, sir.

Mr. LAMBERT. Do you recall at this time how many were under your supervision at the time?

Dr. WHITE. At the time I was discharged?

Mr. LAMBERT. Yes.

Dr. WHITE. I think there were eleven.

Mr. LAMBERT. Had there been that number during the whole of your connection with the department?

Dr. WHITE. Yes, sir; there were more, most of the time, but they were dropped from the rolls. However, there were that number on the rolls when we went under the civil service, on the 1st of July, 1895.

Mr. LAMBERT. You are acquainted with Miss Kassal, Miss Giblin, and Miss Flynn?

Dr. WHITE. Yes, sir; I am.

Mr. LAMBERT. Were they under your supervision as assistant microscopists?

Dr. WHITE. They were.

Mr. LAMBERT. Are you acquainted with Dr. Don C. Ayer?

Dr. WHITE. I am.

Dr. WHITE. No, sir the time. Dr. Blackwell had charge part of time.

Mr. LAMBERT. At the time when you entered upon the dutie your office was your part of the department under civil service?

Dr. WHITE. No, sir.

Mr. LAMBERT. How long after entering upon them was the o placed under the civil service?

Dr. WHITE. We were notified by Secretary Morton the 1st of J 1895.

Mr. LAMBERT. You may state at this time whether or not you thereafter more careful in the discharge of your duties.

Dr. WHITE. I was a great deal more so.

Mr. LAMBERT. State the reason.

Dr. WHITE. The Secretary sent me a circular stating that we placed under the civil service and he wanted us to be more careful have forgotten its wording, but I think that was it. From that tim I was extremely careful.

Mr. LAMBERT. Have you the circular letter?

Dr. WHITE. It said that we were placed under the civil servi date the 1st of July. It is somewhere among these papers [exhibiti It simply notified us that we were placed under the civil servic wish to state here that I understand I was under the civil servic year previous, but I did not know it at the time. All of the inspe were placed under the civil service the year before.

Mr. LAMBERT. You did not know of that fact?

Dr. WHITE. No, sir; not until the whole department was pl under the civil service on the 1st of July, 1895.

Mr. LAMBERT: Was the letter to which you refer the first of information you had of the fact?

Dr. WHITE. Yes, sir. Of course I had heard it around that we going to be placed under the civil service.

Mr. LAMBERT. I call your attention to Senate Document 155, F fourth Congress, second session, and I direct you to an affidavit and recited therein by Don C. Ayer, inspector, South Omaha, N wherein it is stated that Dr. White performed his duties fairly we

Dr. WHITE. Oh, they may have been occasionally, but very seldom. We hardly ever made a mistake. You will find out from the assistants that we hardly ever made a mistake.

Mr. LAMBERT. If any corrections were made, do you know whether they were important or material?

Dr. WHITE. They were not.

Mr. LAMBERT. Were they clerical errors?

Dr. WHITE. Yes, sir; which often occur.

Mr. LAMBERT. Do you know anything about the frequency of the occurrence of those mistakes?

Dr. WHITE. They occurred very seldom.

Mr. LAMBERT. I call your further attention to the affidavit, wherein it is stated that you made professional calls and visits during your hours at the department. I believe you have stated that you did not.

Dr. WHITE. I did so state, most emphatically.

Mr. LAMBERT. To the best of your knowledge?

Dr. WHITE. Yes, sir.

Mr. LAMBERT. It is further stated therein that Dr. White placed on his office the following card: "For Dr. White, inquire upstairs."

Dr. WHITE. Yes, sir; I had that on my card.

Mr. LAMBERT. How long did you have the card on the door?

Dr. WHITE. I do not know; some time.

Mr. LAMBERT. You may state any reason for placing the card there.

Dr. WHITE. I thought if a person wanted to see me on professional or other business—I often had calls from friends which had no connection at all with the practice of medicine—I could make an arrangement to call outside of working hours. I told them if it would not suit them I could not go and to get someone else; that I could not go then.

Mr. LAMBERT. And the reason for placing the card there was merely to direct such people where they could find you, whether for professional calls or otherwise?

Dr. WHITE. Yes, sir; professional or otherwise.

Mr. LAMBERT. I will ask you to state, if you know, when this affidavit was made with reference to your discharge, it having been made November 27, 1896?

Dr. WHITE. The first one was made, I think, about two weeks after my discharge. Mr. Shelden was sent out here to hunt evidence which he said would stick. The Civil Service Commission informed them that the evidence on which we were removed was not sufficient.

Mr. LAMBERT. "That the evidence on which you were removed was not sufficient." What did he mean by that?

Dr. WHITE. I do not know. I heard it came from him, that the Civil Service Commission said it was not sufficient evidence on which to remove us. So he hunted up evidence which would stick.

The CHAIRMAN. Who hunted up evidence?

Dr. WHITE. One Edward Shelden.

The CHAIRMAN. What position does he hold?

Dr. WHITE. I think they call him a special agent.

The CHAIRMAN. Of the Agricultural Department?

Dr. WHITE. He is a personal friend of Secretary Morton, living in Nebraska City.

Mr. LAMBERT. I will ask you to state whether or not, to your knowledge, there were any examinations made prior to your discharge.

Dr. WHITE. None at all.

Mr. LAMBERT. Was there any evidence collected?

Dr. WHITE. None at all.

Mr. LAMBERT. The collection of all evidence and information has been made since you were discharged?

Dr. WHITE. Yes, sir. They sent out twice.

Mr. LAMBERT. Was the affidavit of November 27, 1896, made during his first visit here?

Dr. WHITE. His first visit.

Mr. LAMBERT. Do you know how long after his first visit the second visit was made?

Dr. WHITE. He returned some time in January, and still I heard it stated that that evidence was not sufficient—that he wanted other evidence which would stick.

Mr. LAMBERT. Did you have any conversation with him at any time?

Dr. WHITE. Yes, sir.

Mr. LAMBERT. In reference to whether or not it was sufficient?

Dr. WHITE. Yes, sir; the last time.

Mr. LAMBERT. State what he said.

Dr. WHITE. I went to him and asked him "Why are you hunting up evidence against me?" I said "I am not going to make any fight about this matter. I was going to let it drop, but I do not think you are acting very nice, hunting around the stockyards and wherever I have been practicing medicine for evidence against me." He said, "I have sufficient evidence now." I said it was all right. I said, "I object to it." I said if he went on I would fight. He said I was out, and I would be out when the evidence went in. He retorted by saying that I did not support the Administration.

Mr. LAMBERT. What Administration did he mean?

Dr. WHITE. The Cleveland Administration. He also said that I did not attend the State convention here which nominated Palmer and Buckner electors. I told him no, I did not. He said Dr. Schirmer was there.

Mr. LAMBERT. Who is Dr. Schirmer?

Dr. WHITE. He is a physician from Otoe County; the same county I am from. He is now one of the inspectors at the Hammond House.

Mr. LAMBERT. Was he at the time you have mentioned?

Dr. WHITE. Yes, sir; he was there then.

Mr. LAMBERT. Did the examiner, during either of the investigations, request you or your witnesses to make a showing?

Dr. WHITE. No, sir; he did not.

Mr. LAMBERT. Did he ever ask you or any of those on your side for a statement of any kind?

Dr. WHITE. Yes, sir; he went to a few of my friends.

Mr. LAMBERT. Did he take their statements?

Dr. WHITE. He took Mr. Beal's statement, but he would not put it down as he wanted him to do it; and some others, I understand.

The CHAIRMAN. Do you know that of your own knowledge?

Dr. WHITE. I do. I can bring witnesses that he would not. I have asked to have Mr. Beal summoned.

Mr. LAMBERT. I call your attention to the affidavit of Dr. Don C. Ayer in this same document, under date of December 30, 1896, where it is stated, speaking of Dr. White, "It is safe to say that he attended every call that he received." I ask you to state whether or not that is true.

Dr. WHITE. I deny that most positively.

Mr. LAMBERT. You may state whether or not you received calls which you refused to attend.

Dr. WHITE. I have received calls which I refused to make.

Mr. LAMBERT. Dr. Ayer further says in the affidavit, to which I call your attention now: "He always gave the impression to the employees here that the influence he had with the Secretary of Agriculture was such that he could do as he pleased, regardless of my orders."

Dr. WHITE. That is false.

Dr. LAMBERT. You may state whether or not you said to Ayer or to any of the employees anything as to your personal relations with Secretary Morton or your influence with him.

Dr. WHITE. No, sir; I never did. Everybody who knows me knows that that is not my style.

Mr. LAMBERT. What do you know about the discipline and order at the bureau during your supervision?

Dr. WHITE. In my department?

Mr. LAMBERT. Yes; at the time.

Dr. WHITE. I considered it very fine. I think I can satisfy the committee that it was the very best. I do not think there was any better in the Department at that time—in the whole Bureau of Animal Industry.

Mr. LAMBERT. I call your attention to this further statement, wherein it is alleged that "His conduct during the summer and fall of 1894, up to the time of his discharge, was such as to prejudice good order and discipline, very much to the detriment of the usefulness of the employees at this station." Do you know of any act of mutiny or bad order or lack of discipline?

Dr. WHITE. No, sir; I do not.

Mr. LAMBERT. Are you acquainted with L. M. Schibsby?

Dr. WHITE. I am.

Mr. LAMBERT. What is his relation to the bureau?

Dr. WHITE. He is a tagger there.

Mr. LAMBERT. How long before your discharge were you acquainted with Mr. Schibsby?

Dr. WHITE. I do not know whether he was on the force when I came in; probably three years anyway.

Mr. LAMBERT. State whether or not he was the tagger, or one of them, who would carry back the evidence of any defective meat.

Dr. WHITE. That was his business; to carry back to the house and cut out the numbers that were diseased.

Mr. LAMBERT. I call your attention to the affidavit made by him, appearing in Senate Document No. 155, Fifty-fourth Congress, second session, wherein he says in substance that many mistakes or errors came under his observation in microscopical work.

Dr. WHITE. That is not true.

Mr. LAMBERT. State whether or not you recall at this time any instance wherein there was an error or mistake.

Dr. WHITE. The case he mentions there is where he went over at noon and got the numbers. He said he did not get all of them, and when I got through the report that evening or afternoon I went down and called up the house, to be sure that he had all the numbers, and he could not be found. We requested the house to give the numbers—all the numbers—to call them out. They said they would do so, but they did not. That is the case he mentions there where a mistake was made. The fault was not mine. It was the house's fault or his own.

Mr. LAMBERT. Do you remember whether that includes all the mistakes ever reported or made during your term in sending in numbers and having the meat cut out?

Dr. WHITE. Yes, sir; that is all I remember. It was no fault of mine. I did what I could to correct it.

Mr. LAMBERT. Are you acquainted with Mrs. Ida E. Bushnell?

Dr. WHITE. I am.

Mr. LAMBERT. State her relations to the department.

Dr. WHITE. She was one of my assistants during my term of office.

Mr. LAMBERT. The whole of the term.

Dr. WHITE. All the time.

Mr. LAMBERT. I call your attention to one of her statements in her affidavit, made and set out in Senate Document 155, Fifty-fourth Congress, second session, wherein she states that you would be absent attending professional calls from fifteen minutes to two hours.

Dr. WHITE. I deny it, most emphatically. I may have been absent sometimes fifteen minutes, but as for two hours—that is, after the 1st of July, 1895—I will state positively that it is not true.

Mr. LAMBERT. That is, after you were placed under the civil service!

Dr. WHITE. After I understood we were placed under the civil service.

Mr. LAMBERT. You are acquainted with Miss Lulu Gibson?

Dr. WHITE. I am.

Mr. LAMBERT. State her relation with the department.

Dr. WHITE. She was one of my assistants.

Mr. LAMBERT. During the whole of your term?

Dr. WHITE. Yes, sir; except for a short time. She resigned and was reinstated afterwards.

Mr. LAMBERT. I call your attention to one of her statements in her affidavit, wherein it is stated that you openly discussed politics in the department—in the workroom.

Dr. WHITE. I do not know that I did, openly. I talked in a roundabout way, but as to discussing politics, I did not do it. I think I can prove by all the witnesses who saw me daily there that I did not make a practice of it. Of course, Mr. Zeller and some of the people there would laugh and talk in a general way about politics. It was the day of election that most of it occurred.

Mr. LAMBERT. State as nearly as you can what was said at any time before the day of election?

Dr. WHITE. I do not remember anything that was said previous to the election. I was very careful. I knew how Secretary Morton felt. I knew he was very rabid.

Mr. LAMBERT. You may state what was said on the day of election.

Dr. WHITE. Mr. Zeller got through early that day and came up early. On his way home he came up. I said, "John, how do you think the John P. Irish crowd feel to-day after killing that man, yesterday, following Mr. Bryan?" He said, jokingly, they did not have any feeling about it. Finally, Mrs. Bushnell said, "Doctor, I want you to understand my brother was on that train. That is getting pretty close to home. I will remember that, and you will be sorry for it, too, and some others."

Mr. LAMBERT. That is the remark which was made?

Dr. WHITE. Yes, sir.

Mr. LAMBERT. Is that all that was said?

Dr. WHITE. She kept talking about it coming pretty close home when I talked that way; that she would remember it, and others would remember it, and I would be sorry for it.

Mr. LAMBERT. Did you, prior to the last campaign, ever say anything about politics or discuss politics or make any such remarks in the department?

Dr. WHITE. Not up there. I do not think I ever did. I may have in a roundabout way, but I did not talk general politics.

Mr. LAMBERT. The jesting or incidental remarks, such as you spoke of a moment ago, occurred during the last campaign?

Dr. WHITE. It was on election day that that occurred; just about the noon hour.

Mr. LAMBERT. You are acquainted with Miss Etta Thompson?

Dr. WHITE. Yes, sir.

Mr. LAMBERT. She is an assistant microscopist in that department?

Dr. WHITE. Yes, sir.

Mr. LAMBERT. I call your attention to the statement in her affidavit appearing in Senate Document 155, Fifty-fourth Congress, second session, under date of November 27, 1896, wherein she has said, substantially, that you neglected duty; that you attended professional calls, and that you discussed politics. I ask you to state whether or not the statements set forth are true?

Dr. WHITE. No, except in a roundabout way. I did not discuss politics generally.

Mr. LAMBERT. Except as you have stated heretofore?

Dr. WHITE. Yes, sir.

Mr. LAMBERT. You are acquainted with one Jacob I. Payne?

Dr. WHITE. I am.

Mr. LAMBERT. State his relation to the department.

Dr. WHITE. He is a stock examiner there.

Mr. LAMBERT. I call your attention to his affidavit made under date of December 28, 1896, appearing in Senate Document 155, Fifty-fourth Congress, second session. I ask you to take the affidavit and explain to the committee the statements made there.

Dr. WHITE. I wish to state that Mr. Payne made an affidavit against me, through the influence of Mr. Edward Shelden, that I visited his family before we were under the civil service, in 1894. The last time I was at his house was in October, 1894, I think. Mr. Shelden got him to get a copy of the bill I sent him. When I made a number of these calls there was no work being done at all in the department. So I can account for almost all these visits as being made outside of office hours and when there was no work at all being done.

Mr. LAMBERT. What do you mean by no work being done?

Dr. WHITE. There were about ten or eleven, probably twelve, months when there was no work being done in the department. Times were hard and the packers were not asking for the examination of meat, and I had orders from the Department to furlough the girls and call them on again when there was work. There was a great deal of time. We looked it up during the investigation. I think ten or twelve months, I do not know exactly, but almost a third of the time, probably, there was no work being done. At that time I practiced when I had a call, of course, at any and all times. I had nothing to do. I would come down and report in the morning, but there was nothing to be done. If I had a call I would make it.

Mr. LAMBERT. You may state whether or not during this time you had any special orders with reference to different work than you had been doing theretofore.

Dr. WHITE. Secretary Morton wrote me and told me to take the market reports daily and send them to him weekly.

Mr. LAMBERT. How long did that take?

Dr. WHITE. I think almost a year.

Mr. LAMBERT. I mean how long each day did it take you to prepare the report?

Dr. WHITE. From a half to three-quarters of an hour or an hour; never more than an hour. If I came to Omaha and went around to the meat shops here, it would take a little longer. This order was to ascertain the price of cattle, dressed beef, and the retail prices, and make it daily and send it to him weekly.

Mr. LAMBERT. Did you draw full pay during that time?

Dr. WHITE. I did. I think I wrote the Secretary that I did not like the idea of being furloughed without pay; that I could not afford it. I am not certain that I wrote such a letter, but I had a private letter telling me to take the market reports daily and send them to him weekly.

Mr. LAMBERT. Doctor, do you know how the evidence which appears in Senate Document No. 155 was prepared?

Dr. WHITE. I do. One Edward Shelden came out here and stayed about two or three weeks.

Mr. LAMBERT. Do you know anything about his methods of obtaining it, whether he did so under promises of secrecy or anything like that?

Dr. WHITE. He did. He took all the persons into Dr. Ayer's private room; he got the witnesses in there and made them give their evidence. He even went so far as to say to some of them that it would be to their interest to make statements.

The CHAIRMAN. Do you know that of your own knowledge?

Dr. WHITE. Miss Gibson told me.

The CHAIRMAN. Please state what you know of your own knowledge. It is incompetent for you to give hearsay testimony.

Dr. WHITE. I can only state what the parties told me.

The CHAIRMAN. That would be incompetent.

Dr. WHITE. We will get them on the stand.

Mr. LAMBERT. Do you know whether the investigation was conducted in private?

Dr. WHITE. I do.

Mr. LAMBERT. Was it conducted in private?

Dr. WHITE. In Dr. Ayer's private room, with closed doors, I understand, with a Government official as notary public. Dr. Ayer was there and so was Mr. Edward Shelden. Anyway, Mr. Shelden told me he had evidence sufficient this time. He said, "I have enough now." I asked him if I could render him any assistance. He said, "No; I have enough now."

Mr. LAMBERT. I wish to ask you to state if, during your connection with the Bureau, you received any word from Secretary Morton requesting you to participate in politics, either here or in some other place?

Dr. WHITE. I had quite a number of them.

Mr. LAMBERT. State, if you please, just what communications you received, and the participation, if any.

Dr. WHITE. He would just order me to go to Otoe County and help out the boys to get delegates who would be against Mr. Bryan and his free-silver cranks, as he called them.

Mr. LAMBERT. Did you go?

Dr. WHITE. I did.

Mr. LAMBERT. How often?

Dr. WHITE. A number of times. I wish to state to the committee that nothing was ever said about my neglect of duty when I went down and stayed a week at a time. Dr. Schirmer, too, was ordered there.

Mr. LAMBERT. Whom did you leave in charge of the department?

Dr. WHITE. I left different parties. I left Mrs. Bushnell in charge, I think. Then I left Miss Gibson, I think. I have left her in charge once.

Mr. LAMBERT. They are assistant microscopists?

Dr. WHITE. Yes, sir.

Mr. LAMBERT. Are they the same parties you would leave in charge while temporarily absent, as complained of?

Dr. WHITE. Some of them are. I am not positive about it. When I went I would leave some one to make the reports. I would sign the blank reports and they would fill them out.

Mr. LAMBERT. Have you the letters which Secretary Morton at that time sent you, directing you to go?

Dr. WHITE. I have a number of them; quite a number.

The CHAIRMAN. Let me see them.

Dr. WHITE. Here is one letter in regard to politics. You will see the tone of it. It is in regard to a convention. That is not ordering me down there, however.

The CHAIRMAN. (After reading the letter.) Let the letter be put in evidence.

The letter referred to is as follows:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D. C., June 23, 1894.

Dr. W. S. WHITE,
South Omaha, Nebraska.

DEAR DOCTOR: I have yours of the 18th instant, and I yesterday called at the Postmaster-General's Office, and found that Mr. Hull had already filed his bond and been commissioned as postmaster at Douglas. Therefore, it is too late to undertake any movement in favor of Mr. Thomas Dakin. If Dakin, however, is such a good Democrat as described by yourself and other friends (although he has never had any papers filed here), he will not cease his efforts in behalf of sound currency, nor fail to go to the next State convention thoroughly imbued with the intention of declaring, as a Nebraska Democrat, against all the monetary fallacies of the Populists.

It is hardly consistent to say that a man is a very sound Democrat, that he is devoted to righteous economics, that he is enthusiastically in favor of honest money and against fiat currency; and then, by implication, to say that if he does not get what he wants in the way of an office, he will not support any of the things that he loves so well. Sometimes I think those gentlemen who talk that way are in politics "for revenue only."

You and Doctor Scheimer [Schirmer] will be largely responsible to the next State convention for the character of the delegation from Otoe. You ought to correspond with Mr. Rolfe, W. A. Cotton, Henry Shewell, and Ed. Shelden, and tell them directly that if they keep the town right the back precincts will be solid. It will be easier to carry that county for sound money in a convention to be held during next August or September than it was last year. There will be no excuse for any miscarriage if the physicians in charge properly attend to the patient now right along.

Yours, faithfully, J. STERLING MORTON.

Hereafter when you write me I desire that your personal and poli
matters should be in letters entirely separate from all official dutie
subjects whatsoever.

The matter of free coinage and silver leagues in Nebraska has
called to my attention, and I understand that silver lodges have
formed in nearly every county. The object of these lodges is to in
all the Democrats who voted with the Populists in the year 1892 to
attend the Democratic primaries in each precinct and county, so
send to the State convention on the 4th of October a lot of free coi
advocates to pass resolutions denunciatory of the monetary views
policy of President Cleveland. The silver lodges of the money fa
fellows are quite liable to control that convention unless you and
active men go to work against them at an early day.

Repeating, never mix your letters so that personal and political
ters may be found in official communications which have to be put
file here to remain forever,

With sincere wishes for your success, and the health and happi
of your family, I remain,

Very truly, yours, J. STERLING MORTO

Here [exhibiting] is one where he orders Dr. Schirmer to go d
with me. That is while we were under the civil service.

The CHAIRMAN (after reading the letter). I suggest that inasm
as the letter is marked "personal" you had better not put it into
record.

Mr. LAMBERT. It is in the Congressional Record.

The CHAIRMAN. Is it?

Mr. LAMBERT. Yes.

Dr. WHITE. When Dr. Schirmer was ordered to go down with
we were under the civil service.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D. C., June 5, 189

money, and, just as those who *buy* products *sell* money, they desire the very best quality in the thing they get. Therefore, it is to the interest of the farmers of Nebraska and elsewhere to have a circulating medium which is the equivalent of and convertible into gold, which is the money of the world.

Should Doctor Scheimer [Schirmer] desire to visit McWilliams and Osage, he can get a furlough, I presume, by applying for it at the proper time, so as to permit him to make the trip; and the same applys equally to yourself, no doubt.

Write me what the fight about the post-office in Hendricks precinct amounts to, and who, in your judgment, ought to be appointed postmaster.

Probably it would be well for you to write to friends in Nebraska City upon whom you can depend and stir them up to active labor in the securement of a delegation which shall stand for sound money and the best interests of all the people of Nebraska.

Thanking you for your interest in the matter, I remain,

Very truly, yours,

J. STERLING MORTON.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D. C., June 12, 1894.

Dr. W. S. WHITE,
Bureau of Animal Industry, U. S. Department of Agriculture,
So. Omaha, Nebraska.

DEAR DOCTOR: I have yours of the 8th, and hasten to state that it is important that every friend of a sound currency for the American people should be on the alert, vigilant, and active in Douglas, Otoe, and other counties of the Commonwealth of Nebraska. It will not do to sit down and sweat inertly because the weather is warm, but perspiration should exude from every pore because of sincerely zealous labors in behalf of that which is right, and against that which is wrong, in economics. * * *

Doctor Scheimer [Schirmer] should join with you in every reasonable effort to evangelize, financially, all those people in Otoe County who have been misled by the felicitous fallacies upon the money question with which the county has been flooded.

Very truly, yours, J. STERLING MORTON.

Mr. LAMBERT. Did you state that you did go to Otoe County?

Dr. WHITE. I did, several times. I presided in one county convention. I attended every State convention, as a delegate from Otoe county, except the last one; and then I was to that one held in April, 1896, at Lincoln. I was there, but not as a delegate.

Mr. LAMBERT. Were you there at the request of Secretary Morton in each instance?

Dr. WHITE. Yes, sir. He told me to whom to write, to go down and work up the boys and attend the West end, and it would be all right.

Mr. LAMBERT. During this time you merely left one of your assistants in charge of the office?

Dr. WHITE. Yes, sir; in charge of the office.

Mr. LAMBERT. They verified and did the work you had done?

Dr. WHITE. Yes, sir; I signed the blank reports and left them there for them to fill them out.

Mr. LAMBERT. They filled them out and turned them in?

Dr. WHITE. Yes, sir.

Mr. LAMBERT. Did you participate in any political work in Douglas County?

Dr. WHITE. No, sir; I took no part at all in the campaign last year.

Mr. LAMBERT. Do you know of your own knowledge that any other person connected with the department took part or participated in politics at the request of Secretary Morton?

Dr. WHITE. I do not know. I know they went there; at least I understood they were ordered to go. They did it there every year since I have been here, I think.

Mr. LAMBERT. Do you know of their going?

Dr. WHITE. I know they went.

Mr. LAMBERT. They were absent from work. Were they excused or paroled?

Dr. WHITE. I do not know.

Mr. LAMBERT. How was it?

Dr. WHITE. I do not know. I understood they were excused last year by Don C. Ayer. Whenever they wanted the boys to work, it was the custom that they worked. Mr. McHugh said he would see that there was no trouble; he would attend to that himself.

Mr. LAMBERT. Who is Mr. McHugh?

Dr. WHITE. He is an attorney in Omaha.

Mr. LAMBERT. Is he the person recently appointed to the Federal judgeship here?

Dr. WHITE. Yes, sir; and not confirmed.

Mr. LAMBERT. And not confirmed finally?

Dr. WHITE. Yes, sir; he is the man.

Mr. LAMBERT. At this time do you recall how long you were absent in Otoe County?

Dr. WHITE. No; I do not recall how long I was absent.

Mr. LAMBERT. At any time were you gone a week?

Dr. WHITE. I do not think I was gone a week at any time, but I went several times and left the work in charge of assistants.

Mr. LAMBERT. Who was Dr. Schirmer? What position did he hold?

Dr. WHITE. He is one of the inspectors at the Hammond house. He also is from Otoe County, the same county that the Secretary and I are from.

Mr. LAMBERT. You may state whether or not, during your term in the Department, you had any conversations or communications with Secretary Morton relative to whether or not your work was satisfactory?

Dr. WHITE. I never had a word; not one word.

Mr. LAMBERT. You did not, during the whole of your time?

Dr. WHITE. No, sir; except in a personal letter, in which he said he hoped I would continue to give good service to the United States Government.

Mr. LAMBERT. State whether or not during your term of office you had any conversations with Secretary Morton relative to your practicing while holding the position?

Dr. WHITE. I did; at the Paxton Hotel one night.

Mr. LAMBERT. What time was it? How long ago was it?

Dr. WHITE. It was some time in 1894, I think—the fall of 1894.

Mr. LAMBERT. State to the committee just what was said to you by Secretary Morton at that time.

Dr. WHITE. Just before bidding him good night he asked me how my practice was, and I told him it was not much; that I could not do much; and he said, "It will get better right along, Doctor." In fact, he encouraged me.

Mr. LAMBERT. What else, if anything, did he say in that connection?

Dr. WHITE. I do not remember that he said anything more about practice. He said it would get better right along. I remember that distinctly; that my practice would get better right along.

Mr. LAMBERT. Did he hope it would?

Dr. WHITE. I do not remember what he said. I remember distinctly those words, "it will get better right along." I have a communication from him when I complained about putting the two clerks and Dr. Ayer, the inspector, in my office. He wrote me and asked me if I had not better change my office, to one right adjacent to the microscopic room. In that letter I told him it would interfere with my business, and that is the reply he gave.

Mr. LAMBERT. What was interfering with your business?

Dr. WHITE. Putting Dr. Ayer and two clerks in my office. I had an office downstairs. Mr. Salmon ordered Dr. Ayer and the two clerks down to my office. I wrote the Secretary a private letter objecting to it.

Mr. LAMBERT. What business do you refer to?

Dr. WHITE. What business?

Mr. LAMBERT. What business did you refer to when you said it was interfering?

Dr. WHITE. I think I said it would interfere with my practice.

Mr. LAMBERT. Did you mean during office hours?

Dr. WHITE. I meant not during office hours, but at any time. I thought I ought to have a room to myself, and he suggested my getting a room adjacent thereto or the use of the microscopic room. I have the letter in this bundle.

Mr. LAMBERT. Let us look at the letter.

Dr. WHITE. Here is the part I refer to:

[Personal and unofficial.]

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D. C., April 12, 1895.

Dr. W. S. WHITE,
Bureau of Animal Industry, South Omaha, Nebraska.

My DEAR DOCTOR: * * *

Dr. Salmon is quite "set" in the opinion that no pay should be granted to those serving in the Bureau of Animal Industry outside of Washington during ordinary leaves of absence. Personally, as you are aware, I should be very glad to do anything in my power, which I could consistently do, to protect and advance your interests.

Possibly it would be well for you to take another office, instead of being in with Doctor Ayer and the two clerks? Could you not move upstairs? Ought you not to have your office right adjacent to or immediately in the room where the microscopists are at work?

* * * * * * *

Very truly your friend,

J. STERLING MORTON.

Mr. LAMBERT. Up until the time you were discharged did Secretary Morton ever complain of the work you were doing there?

Dr. WHITE. No, sir. He never made any complaint at all. I thought my work was perfectly satisfactory.

Mr. LAMBERT. I will ask you to state whether or not since your discharge you have had any conversation with or communications from Secretary Morton relative to the cause of your discharge?

Dr. WHITE. Yes, sir. I wrote to the Secretary the day the doctor handed me the notice of dismissal, and asked him to tell me in what way I had neglected my duties. I told him I denied most emphatically that I had ever neglected my duties.

Mr. LAMBERT. Did he respond?

Dr. WHITE. His private secretary did.

Mr. LAMBERT. Have you that response?

Dr. WHITE. I have, and it is as follows:

UNITED STATES DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D. C., Nov. 16, 1896.

Dr. W. S. WHITE,
C/O Bureau of Animal Industry, South Omaha, Nebraska.

DEAR SIR: Your letter of Nov. 14, addressed to the Secretary, is received, and I have to inform you that Mr. Morton left this morning for New York, and expects to return to Washington in a few days, when your communication will be brought to his attention.

In the meantime I take the liberty of informing you, for your own satisfaction, that the Secretary's recent action in your case was based on what he considered the strongest and most indisputable evidence, from several reliable sources, as to very decided pernicious political activity upon your part during the recent campaign.

Very respectfully, yours,

JOHN NORDHOUSE,
Private Secretary.

Mr LAMBERT. Have you any other letters besides this one?

Dr. WHITE. I wrote once or twice after that, but he has never answered. I tried to convince him that I had taken no part whatever in politics, and I told him if he would send any impartial man I would convince him that I had taken no part in politics.

Mr. LAMBERT. Do you know who sent in this complaint against you, if any one did?

Dr. WHITE. No, sir; I have been trying to find out. I have an idea who did.

Mr. LAMBERT. You may state whether or not during your time with the Bureau you introduced any reforms in the department?

Dr. WHITE. I adopted the system they are following out now. I am told the man who has charge likes it much better than the plan they are using in Chicago. He was there a long time.

Mr. LAMBERT. You may state what the system is and what the old system was.

Dr. WHITE. The old system was to give out just a few numbers at a time every morning, say, ten or fifteen to each of the girls. Then after that, to give them some more. I adopted the system of getting there early and giving out fifty in rotation, and in that way we made no mistakes.

Mr. LAMBERT. You did it for the purpose of obviating mistakes?

Dr. WHITE. Yes, sir. Under the old way there were always many mistakes. I understand my predecessor had trouble. It would take them an hour to find a mistake. We never had any trouble finding mistakes under the plan I adopted.

Mr. LAMBERT. Are you acquainted with Miss Mary Dalton?

Dr. WHITE. I am.

Mr. LAMBERT And Miss Flynn?

Dr. WHITE. I am. They were two of my assistants.

Mr. LAMBERT. Assistant microscopists?

Dr. WHITE. Yes, sir.

Mr. LAMBERT. Were they discharged at or about the time you were?

Dr. WHITE. Their dismissals were dated the same day as mine.

Mr. LAMBERT. Are you acquainted with the alleged cause of dismissal?

Dr. WHITE. Neglect of duty.

Mr. LAMBERT. Was there any other cause?

Dr. WHITE. That is all the official notice says. Theirs read just like mine.

Mr. LAMBERT. How long were they with you in the department?

Dr. WHITE. I think Miss Dalton was appointed a little while after I went there—a short time. It was some time in the same year, 1893. I think Miss Flynn was on the force when I was appointed.

Mr. LAMBERT. You were, then, acquainted with their competency and efficiency in the performance of their work?

Dr. WHITE. Yes, sir.

Mr. LAMBERT. State what it was.

Dr. WHITE. They were just as competent as any of the girls. Miss Dalton was a little slow, but a very careful worker. They were most orderly girls. Miss Dalton was very quiet.

Mr. LAMBERT. Is it a detriment to the Government to have assistants who are slow?

Dr. WHITE. No, sir; those girls were always on time and remained until the work was over.

Mr. LAMBERT. Do you know of a single instance where they neglected any duty?

Dr. WHITE. Not one. If they neglected their duty every other girl on the force did.

Mr. LAMBERT. Do you know their politics?

Dr. WHITE. Yes, sir.

Mr. LAMBERT. You may state what it is?

Dr. WHITE. They were for Mr. Bryan and had Mr. Bryan's picture in the window.

Mr. LAMBERT. Up in the department?

Dr. WHITE. In the department.

Mr. LAMBERT. Did they say anything in favor of Mr. Bryan at any time?

Dr. WHITE. Miss Flynn did. I do not know about Miss Dalton. Miss Dalton was rather quiet, but Miss Flynn showed her colors. Other girls put up Mr. McKinley's picture, and I suppose they would show their colors, and they put up Mr. Bryan's picture.

Mr. LAMBERT. During office hours or at noon?

Dr. WHITE. I had perfect order during working hours. We never had any talking. Of course there was a little politics. The girls discussed politics at noon and sometimes at recess.

Mr. LAMBERT. Their political convictions were pronounced?

Dr. WHITE. Yes, sir. We knew where they stood.

Mr. LAMBERT. Do you know, of your own knowledge, whether or not anyone in charge complained of their political action and bore communications of any kind?

Dr. WHITE. What is the question?

Mr. LAMBERT. Do you know whether or not any one acted as spy to any of the departments or bore secret communications?

Dr. WHITE. She is a Republican.

Mr. LAMBERT. Mrs. Bushnell?

Dr. WHITE. Yes, sir. Her brother is of different politics.

Mr. LAMBERT. Do you know whether there was any religious c troversy?

Dr. WHITE. I heard there was some, but I did not hear it.

Mr. LAMBERT. I mean of your own knowledge.

Dr. WHITE. No, sir.

I wish to reenforce what I said. If those girls neglected their du every other girl on the force did.

I will state to the committee and call their attention to the man in which this evidence was obtained. The greater part of it v obtained six weeks after we were discharged. Mr. Shelden stated t he was hunting evidence that would stick. I desire to call the att tion of the committee to the way he got the evidence. I deny empl ically that I ever neglected one duty during my time, especially a the 1st of July, 1895.

Mr. LAMBERT. In reference to Miss Flynn and Miss Dalton, I v ask you to state if you were not in a position to judge of their com tency and efficiency as well as any one else?

Dr. WHITE. I was, and no one else could do so.

Mr. LAMBERT. Unless it was one of your assistant microscopists

Dr. WHITE. Yes, sir; and they would not know very well about th competency.

Mr. LAMBERT. They had no way of testing?

Dr. WHITE. I gave out the work and examined it; verified it.

Mr. LAMBERT. Was any criticism which you had to make upon a assistant microscopist made publicly in the room or privately to individual?

Dr. WHITE. What do you mean by "criticism?" I sometimes c rected them.

Mr. LAMBERT. How did you correct them?

Dr. WHITE. I corrected them publicly. I called them by name. spoke right out. I had perfect order, as the girls will verify on stand.

Dr. WHITE. I did. I wrote a number of letters—a half dozen, I suppose—insisting on it.

The CHAIRMAN. What was the nature of the reply to your requests?

Dr. WHITE. I hardly know what to say. I have the letters here.

The CHAIRMAN. I mean to say, did they investigate the matter?

Dr. WHITE. No, sir; they did not. They said they could not. They finally wrote a letter saying they could not. They refused to do it "now." They usually closed by saying "now" or "at present," but after the Senate took action they wrote that their man, Mr. Huston, would be here about the 1st of May. I wrote the Civil Service Commission a number of letters—I do not know how many—insisting that they give us a hearing in the matter. I told them we could convince any fair-minded man that we were removed for political reasons and no other reason.

The CHAIRMAN. You say the Civil Service Commission refused to investigate the matter?

Dr. WHITE. Yes, sir; until after your committee took action in the premises. Then they wrote here, saying that their man, Mr. Huston, would be here about the 1st of May to investigate our cases.

The CHAIRMAN. Has there been an investigation of this question by the Civil Service Commission?

Dr. WHITE. Yes, sir.

The CHAIRMAN. Who conducted that investigation?

Dr. WHITE. A man by the name of W. H. Huston.

The CHAIRMAN. Were you sworn and examined as a witness during the investigation by him?

Dr. WHITE. I was.

The CHAIRMAN. Did you make the same statements then that you make now relative to this question?

Dr. WHITE. I think I made the same statements, but probably a little more fully, for it was fresh on my mind then. I think I gave a more detailed statement than I have given to-day.

The CHAIRMAN. I see from the evidence taken in the investigation that your testimony does not appear.

Dr. WHITE. I understand it is not in there.

The CHAIRMAN. Can you tell me why it does not appear?

Dr. WHITE. I can not. Probably my attorney, Mr. Lambert, can. It seems they had a talk. I wrote him about it and asked him about it. I wrote him and told him my evidence was not there, and told him I was very sorry; and he wrote and told me to make an affidavit.

The CHAIRMAN. Can you give me the name of the stenographer who took the notes of the evidence in that case?

Dr. WHITE. I think it was a Mr. Tucker, here in town. I can not give you his initials. Mr. Holmes probably can.

The CHAIRMAN. Where does he reside; in what portion of the city?

Dr. WHITE. His office is in the Commercial Block, in Omaha, I think.

The CHAIRMAN. Did you inform the Civil Service Commission that you had been removed for political causes?

Dr. WHITE. I did; and for no other cause. I told them I could convince them if they would send any fair-minded man and give us a hearing.

The CHAIRMAN. I believe you say you can not give me the address of Mr. Tucker?

Dr. WHITE. I can not give it to you now, but I will do so later. His office is in the Commercial Block.

The CHAIRMAN. I desire to ascertain why it is the examiner failed to put your evidence in the report.

Dr. WHITE. He seemed to be completely under the influence of one Edward Shelden, who came here to hunt evidence that would stick.

The CHAIRMAN. Who seemed to be under the influence of Mr. Shelden?

Dr. WHITE. Mr. Huston.

The CHAIRMAN. The civil-service examiner?

Dr. WHITE. Yes, sir.

The CHAIRMAN. Does Mr. Shelden reside in this city?

Dr. WHITE. No, sir; at Nebraska City. He refused to go on the stand, too, down there, and he knows a good deal about this matter. He is a very particular friend of Secretary Morton. I think he could give you some light on why we were removed, if he would tell the truth.

The CHAIRMAN. When was this department put into the classified service; at what date?

Dr. WHITE. I understand the inspectors went in on the 1st day of July, 1894, and my branch of the Bureau was classified on the 1st day of July, 1895. I had official notice of that.

The CHAIRMAN. Were those letters written after you had been placed in the classified service?

Dr. WHITE. Yes, sir; some of them were when I was under the civil service and so was Dr. Schirmer. He ordered Dr. Schirmer to go down there and set up the convention. He said if we treated the patient right it would not miscarry. He also said the delegation from Otoe County depended largely or entirely upon Dr. Schirmer and myself carrying it for the Administration.

The CHAIRMAN. You were at that time under the civil service?

Dr. WHITE. I was at that time, but I did not know it. I should have refused to go, I think. I do not know but that I might have gone. If a letter came from him, he being my superior, I should have gone anyway.

The CHAIRMAN. Were you paid for the time you remained away from the department?

Dr. WHITE. Yes, sir.

The CHAIRMAN. No amount was deducted for the time you spent in working up the convention?

Dr. WHITE. No, sir. I attended as a delegate all the State conventions we had except one year, when I went down as a spectator. Dr. Schirmer and I went down as spectators. That was in 1896.

The CHAIRMAN. You did this under the direction of your superior officer?

Dr. WHITE. Yes, sir; Secretary Morton, my superior officer.

The CHAIRMAN. No reports were made against you at that time?

Dr. WHITE. No, sir; none at all. I was all right so long as I was doing his bidding. I would hear complimentary remarks he made about me.

The CHAIRMAN. How long had you been employed in the Government service at the date of your dismissal?

Dr. WHITE. Thirty-eight and a half months.

The CHAIRMAN. What is the character of the duties you had to perform?

Dr. WHITE. In my department?

The CHAIRMAN. Are they technical, and do they require technical knowledge?

Dr. WHITE. No, sir; after a few weeks work it was all right to person who has good eyes.

The CHAIRMAN. Is it possible by a written examination to test the qualifications of parties applying for admission to the service there?

Dr. WHITE. I do not think so. I have doubts whether or not it is. It is all right if they have good eyes and some knowledge of the ordinary branches of education.

The CHAIRMAN. Has there ever been an examination for applicants held in this city?

Dr. WHITE. On the 7th of last April.

The CHAIRMAN. Do you know anything about the character of the examination?

Dr. WHITE. Yes, sir. I understand the examination was in arithmetic—that is the hardest part—history, writing, and reading. They have the applicants write on some subject.

The CHAIRMAN. Is a scholastic test essential to determine the qualifications of parties who wish to work in the department?

Dr. WHITE. No, sir; I do not think so. If one has good eyes and good common sense it is all right.

The CHAIRMAN. You think that is all that is necessary?

Dr. WHITE. Yes, sir; good eyes and good common sense.

The CHAIRMAN. Has anyone ever been appointed under the classified service?

Dr. WHITE. I understand there has been one since I was let out, but they reinstated eight or ten of the old girls under the last Administration.

The CHAIRMAN. The reinstatements were only temporary.

Dr. WHITE. For ninety days, I understand, with the privilege of taking the examination the 28th of this month.

The CHAIRMAN. Please explain the nature of the duties you were required to perform in the department.

Dr. WHITE. Most of the time I was simply required to have the meat given out to the girls in the morning.

The CHAIRMAN. What do you mean by that statement?

Dr. WHITE. The meat is sent over to us. The tagger from each house which wants meat examined will go and take the meat from the carcass, if they examine from the carcass; take three pieces from a hog, and put it on an iron railing—samples from the loin, neck, and the diaphragm, the muscle between the intestine and the heart. He will put them in little tin boxes, just about the size of a pill box; then they are put in a box which holds 108 tin boxes. We have only two layers, one on top. The tagger will bring them over, 108 specimens in each box. They are generally brought the evening before. It was my duty to give that meat out to the girls to be examined the next day.

The CHAIRMAN. After it is placed in the hands of the girls, what do they do with the pieces?

Dr. WHITE. They have some glass slides for the microscope. They take two specimens from each of the three pieces and put one piece on the slide, pour on a little water, and put it between the glasses and press it. They are called compressor glasses. That makes it very thin, transparent, so that you can see through it. The girls place it under the microscope and examine it. If they do not find any trichinæ in the specimen examined they make a second examination. If they find trichinæ in the first examination, they make no more examinations. Some days they examine 100 specimens or more and find no trichinæ. That often occurs.

The CHAIRMAN. Do they file a report as to each piece?

Dr. WHITE. They report it to Washington. The blank says, "say 'yes' or 'no.'" If they find trichinæ they say "yes," and give the number. Then there is a duplicate of that specimen at the packing house. They take that trichinæ piece, and it is generally thrown into the interstate trade, or, at least, they were made to cook it. The packing house has orders to cook that if they sold it, and to sell it as trichinæ meat, or they could run it into lard at 150 degrees.

I gave each of the girls 50 pieces a day to examine, and I generally had them do it within a short time—so much by recess, so much by noon, and so much in the afternoon.

The CHAIRMAN. Your duty, then, consisted principally in inspecting the work of the girls?

Dr. WHITE. My duty consisted principally in inspecting the work of the girls. When they found trichinæ they would always call "doctor," and I would go and look through the microscope and verify it. Then I made the report. I had a book called the "tag book." They would call off the numbers and I would check them off.

The CHAIRMAN. How long have you been practicing medicine?

Dr. WHITE. Since 1871. Really, I was graduated the 15th of March, 1872, but I practiced a little previous thereto, during the vacation.

The CHAIRMAN. Where were you graduated?

Dr. WHITE. At the St. Louis Medical College.

The CHAIRMAN. Have you a State medical board in this State?

Dr. WHITE. Yes, sir; we have now. It is only in the last three years that we have had one. We also have a State medical association.

The CHAIRMAN. Are physicians required to pass an examination before they are permitted to practice?

Dr. WHITE. If they have not a diploma they are required to. They have been trying to get a law passed requiring everybody to pass an examination, but it was defeated in the last legislature.

The CHAIRMAN. Those who have diplomas are not required to pass an examination?

Dr. WHITE. No, sir.

Mr. LAMBERT. The diploma, however, must be from some accredited school, with a three years' course?

The CHAIRMAN. The diploma, as suggested, must be from a school stating that you have attended a three years' course there?

Dr. WHITE. Yes, sir; I was a school-teacher for four years previous to reading medicine.

The CHAIRMAN. Where did you teach school?

Dr. WHITE. In Nebraska City.

The CHAIRMAN. Is that the community in which Mr. Morton lives?

Dr. WHITE. Yes, sir.

The CHAIRMAN. You knew him very well before you came here?

Dr. WHITE. Yes, sir; all his boys went to school to me. His boys were pupils of mine—three of them for two years and over.

Mr. LAMBERT. Doctor, there is just one question I should like to ask you with reference to the verification. Is it difficult to tell when you find trichinæ, so that it would be necessary to have it verified by one who is an expert at the work?

Dr. WHITE. When you once learn trichinæ, you never forget it afterwards. There is no trouble to tell it.

Mr. LAMBERT. What is known as the dead-cyst——

Dr. WHITE. Sometimes it is a difficult matter. Dead-cyst——

Mr. LAMBERT. What do you mean by "dead-cyst?"

Dr. WHITE. After trichina has been in the hog a certain time it will become encysted and a sac will form around it. It is supposed to be harmless, and after being in the animal so long it will die, and sometimes become quite dim, but on pressing it between the glasses you can make out the sac. That meat is allowed to be sold at home. It is not compelled to be condemned, but it is not to be shipped to foreign countries.

Mr. LAMBERT. Is that the only event in which an expert would be necessary?

Dr. WHITE. Anyone can learn that. Those girls never failed to find a cyst unless it was very dim. Sometimes we would have a little difficulty, but not often.

Mr. LAMBERT. Do you recall that one morning you were absent? You may state the facts in connection with that occurrence.

Dr. WHITE. I had a telephone call downstairs. I went down and asked what it was. It was the manager of a lumber company, and he asked me if I could come over and set a broken leg. I had begun to give out the work quite early, and I looked at my watch. I remember it distinctly. I thought I could get back in time, and I said "yes," and I called my son to call out the numbers for me. The little janitress would call out the numbers, and he would put them down in a book. I got back in ample time. I could have been but a few minutes late; I do not think twenty minutes, anyway. I can tell by the time I left the man's house. He testified when Mr. Huston was here. I could drive it in ten minutes any time; yes, seven minutes. I drove very rapidly.

Mr. LAMBERT. Is that Lewis M. Groves?

Dr. WHITE. Yes, sir; that is the place.

Mr. LAMBERT. You may state whether or not prior to your discharge, in fact some time prior to the 1896 campaign, you and Dr. Ayer had any trouble or slight difficulty.

Dr. WHITE. I do not know when it was. I think it was some time in 1895.

Mr. LAMBERT. State to the committee what it was and whether it continued down until and through the campaign.

Dr. WHITE. It did. The doctor made the assertion that I was having my room downstairs next to his as a conspiracy room, plotting against him. I heard of it, and I spoke to him about it. I said to him he could not make any such assertion about me; that it was false, and he had to treat me as a gentleman; I would make him do it if he did not. From that time on we never had anything to do with each other except in an official way. I heard that he made the remark he would get even. I do not know how true it is. Generally he got even with people who mistreated him.

Mr. LAMBERT. Did you talk with the Doctor about politics in the campaign of 1896?

Dr. WHITE. No, sir; I did not. I did not say anything to him at all.

Mr. LAMBERT. Did you ever express yourself in his presence?

Dr. WHITE. No, sir.

Mr. LAMBERT. Was there anything said during the campaign about your previous controversy to which you have just testified?

Dr. WHITE. Yes, sir; I told Mr. Conoyer, his clerk, that Euclid Martin could not carry me into the Republican party.

Mr. LAMBERT. "Could not carry you into the Republican party." What did you mean and why did you make the remark?

Dr. WHITE. Mr. Martin, in an interview, said that they were going to have a third ticket in the field in order to beat Mr. Bryan, as he said

Mr. LAMBERT. You may state whether in any of these politica cussions or remarks to which you have heretofore testified you expre yourself in favor either of Bryan or McKinley.

Dr. WHITE. To a few on the quiet, but not around the building t

Mr. LAMBERT. Did you express yourself as being an advocate o silver cause or the gold cause, as they are termed?

Dr. WHITE. I said I was not in favor of free coinage—I expre it that way—although I believed in standing by the party. Everyl knows I did not favor the free coinage of silver.

Mr. LAMBERT. You may state whether or not you saw Secre Morton and conversed with him at the time Bourke Cockran spo Omaha during the 1896 campaign.

Dr. WHITE. I came up with him from Nebraska City the eve before he presided. I was out to his house. We came up to O together.

Mr. LAMBERT. State whether or not at that time he conversed you with respect to the politics of South Omaha or Douglas County

Dr. WHITE. I suppose he did, but I can not remember what was I remember distinctly he was very bitter against Mr. Bryan and followers.

Mr. LAMBERT. Was there anything said at that time with respe the politics of the employees of the department in South Omaha?

Dr. WHITE. No; nothing about the department. I do not thin made any mention of it. It has been so long ago. We talked a everything. We sat in the same seat.

Mr. LAMBERT. Do you know whether Don C. Ayer had a me with him during his visit to the city?

Dr. WHITE. I do.

Mr. LAMBERT. You do not know what was said at the meeting?

Dr. WHITE. No. Dr. Ayer came and said he had seen Mr. Mo and Mr. Morton said I should obey the orders Dr. Ayer had give or write to the Department.

Mr. LAMBERT. What do you mean by that statement?

Dr. WHITE. Dr. Ayer came to me on a Saturday—I do not k what day of the month it was; the 12th of September, I think—and

must admit." I did not move out for a day or two, but I got on the train and went down to see Secretary Morton about it. He asked to see Ayer's order. I said it was only a verbal order. He said, "I am going up to Omaha to-morrow and I will have you together." I told him I wanted to be present. He said, "We will have no star-chamber proceeding. You can be present with Dr. Ayer. I will either telephone you in the morning or telegraph, and you and Dr. Ayer come up." I did not get any message from Secretary Morton, but Dr. Ayer saw him and came back and said, "I have seen the Secretary, and he says either obey that order or write to Dr. Salmon. I want to know whether you are going to move out, or I will report you. I want to know what you propose to do." He insisted upon my giving him an answer. "What are you going to do?" I said: "If you insist upon it, and that is the way Secretary Morton talks, I will get out."

Mr. LAMBERT. Did you get out?

Dr. WHITE. I did.

Mr. LAMBERT. In your conversation with Secretary Morton did you signify your position with reference to Mr. Bryan and Mr. McKinley?

Dr. WHITE. I did not.

Mr. LAMBERT. Nothing you said would give the Secretary to understand for whom you intended to vote?

Dr. WHITE. Only I told him Mr. Bryan would carry Nebraska.

Mr. LAMBERT. You did not say you were for him?

Dr. WHITE. No; I did not.

Mr. LAMBERT. Then, if Secretary Morton got the impression that you were for Bryan, he got it from some one other than yourself?

Dr. WHITE. Yes, sir. He did not get it from me. I gave him no intimation. My brother-in-law went out with me. He is a very strong Republican. They talked all the time about Nebraska; about the politics of Nebraska, and especially Otoe County. The Secretary suggested that I vote here instead of going back home. I had always been going back to my home to vote. He says, "You had better vote up there." I felt sure, when Secretary Morton sent me that word, that somebody had reported to him how I stood or he guessed at it, or I would have received no such orders.

Mr. LAMBERT. You do not know that of your own knowledge?

Dr. WHITE. No, sir.

TESTIMONY OF MISS ETTA KASSAL.

Miss ETTA KASSAL, being duly sworn, testified as follows:

Mr. LAMBERT. I believe you are an assistant microscopist in the Bureau of Animal Industry at South Omaha?

Miss KASSAL. Yes, sir.

Mr. LAMBERT. How long have you been an assistant microscopist?

Miss KASSAL. Four years the 16th of June.

Mr. LAMBERT. Ever since Dr. White was in charge of the department?

Miss KASSAL. Yes, sir. I was there before he was in charge.

Mr. LAMBERT. And remained constantly?

Miss KASSAL. Yes, sir; being only off on furloughs.

Mr. LAMBERT. You are now an assistant microscopist?

Miss KASSAL. Yes, sir.

Mr. LAMBERT. You were well acquainted with the work under Dr. White?

Miss KASSAL. Yes, sir.

Mr. LAMBERT. What is your time in the morning to appear at the department?

Miss KASSAL. Now?

Mr. LAMBERT. Yes.

Miss KASSAL. It is half past 8.

Mr. LAMBERT. What was it during Dr. White's term?

Miss KASSAL. About the same time, after we were under the civil service.

Mr. LAMBERT. What time do you leave there?

Miss KASSAL. At 3 o'clock, now.

Mr. LAMBERT. Do you leave at 3 o'clock whether or not you have completed your work?

Miss KASSAL. Our work is completed by that time.

Mr. LAMBERT. It must be completed?

Miss KASSAL. Yes, sir; it is divided. We just get that amount of work to do.

Mr. LAMBERT. Must you finish so much within specified limits?

Miss KASSAL. Yes, sir. We are timed on each box. We are supposed to put in a certain time on each box.

Mr. LAMBERT. As a matter of fact, do not some boxes require longer time than others?

Miss KASSAL. Some do.

Mr. LAMBERT. But you can examine all within the time mentioned?

Miss KASSAL. Yes, sir; we can, because there is some time allowed.

Mr. LAMBERT. What is done with the boxes after you are through?

Miss KASSAL. They are collected a few times a day from our tables.

Mr. LAMBERT. By whom?

Miss KASSAL. By the janitress.

Mr. LAMBERT. Where do they go then?

Miss KASSAL. I do not know where they go.

Mr. LAMBERT. If you were examining any specimens and discovered what you think is trichina, what do you do?

Miss KASSAL. We first call the Doctor to look at it, and then we put the box away, and wash the glasses and scissors and everything, so that we do not get it on the other samples.

Mr. LAMBERT. Do you invariably call the Doctor?

Miss KASSAL. Yes; we always do.

Mr. LAMBERT. Suppose he is absent?

Miss KASSAL. Then we can call some one else—some of the older girls.

Mr. LAMBERT. They will verify it?

Miss KASSAL. Yes, sir.

Mr. LAMBERT. You may state whether or not, during Dr. White's term of office, he was there at all times in the morning.

Miss KASSAL. I always found him there in the morning; but there were times when he would ask me to take down numbers for him while he went away, but he was back when the other girls came. I was there a little earlier than my time.

Mr. LAMBERT. Was he there when working hours began?

Miss KASSAL. Yes, sir.

Mr. LAMBERT. Do you know of his ever being absent when working hours began?

Miss KASSAL. I know of one or two instances where he was called away; one time when he stayed away a few hours.

Mr. LAMBERT. How is that?

Miss KASSAL. A few hours.

Mr. LAMBERT. How many times?

Miss KASSAL. I remember that he did so once.

Mr. LAMBERT. Do you remember any other instance?

Miss KASSAL. No, sir; I do not.

Mr. LAMBERT. How long ago was that?

Miss KASSAL. That was before we were put under the civil service.

Mr. LAMBERT. It was early in his term?

Miss KASSAL. Yes, sir; it was early in his term.

Mr. LAMBERT. Do you remember whether he was absent at any time after you were put under the civil service?

Miss KASSAL. No; I do not think I do. I remember that Nannie, the janitress, told him that some one was downstairs. He said to tell the party to wait until recess.

Mr. LAMBERT. You have a recess in the forenoon?

Miss KASSAL. Yes, sir.

Mr. LAMBERT. And one in the afternoon?

Miss KASSAL. Yes, sir.

Mr. LAMBERT. And a noon hour?

Miss KASSAL. Yes, sir.

Mr. LAMBERT. Except the instance you have mentioned, do you ever recall his being absent when the morning session opened, or work began?

Miss KASSAL. No; I do not remember.

Mr. LAMBERT. You always found that your specimens were allotted to you?

Miss KASSAL. Yes, sir; we always had the specimens; everything was seen to.

Mr. LAMBERT. Everything was attended to so that you could go to work?

Miss KASSAL. Yes, sir.

Mr. LAMBERT. The work was never delayed on account of his absence?

Miss KASSAL. No, sir.

Mr. LAMBERT. Was the work delayed that morning on account of his absence?

Miss KASSAL. No, sir; the work was all out. It was about 10 o'clock, I think.

Mr. LAMBERT. When he was absent what were the order and discipline in the department?

Miss KASSAL. We did our work just the same, because it is work that we have to do. Every girl sees to it for her own benefit, because we do not want trichinæ to be found. We do our work just the same. We might have talked.

Mr. LAMBERT. You might have talked a little?

Miss KASSAL. Yes, sir; but we did our work.

Mr. LAMBERT. And the only trouble which could possibly be occasioned was that you could not call him to verify?

Miss KASSAL. That was the only thing. We would have one of the older girls do it. We all can tell trichinæ when we see it. Verification is only necessary so that when we condemn meat we can show that we did so properly.

Mr. LAMBERT. How long is the morning recess?

Miss KASSAL. Then it was a half hour.

Mr. LAMBERT. How long was your noon hour?

Miss KASSAL. An hour and a half.

Mr. LAMBERT. And your evening recess?

Miss KASSAL. Half an hour.

Mr. LAMBERT. Making altogether two and a half hours?

Miss KASSAL. Yes, sir.

Mr. LAMBERT. Do you recall whether Dr. White was absent at any time during the day and during the working hours?

Miss KASSAL. No; only what I have stated.

Mr. LAMBERT. Except what you have stated?

Miss KASSAL. Yes, sir.

Mr. LAMBERT. At all other times he was present?

Miss KASSAL. Yes, sir; so far as I remember.

Mr. LAMBERT. He always responded when you called him for any purpose?

Miss KASSAL. Yes, sir.

Mr. LAMBERT. And the order and discipline in the department were good?

Miss KASSAL. Yes, sir.

Mr. LAMBERT. Do you remember his being called during working hours when he went?

Miss KASSAL. I know one case where a man broke his leg at the packing house, and they called Dr. White, and the doctor went.

Mr. LAMBERT. Do you remember about what time in the day that was?

Miss KASSAL. I do not think I can remember. I think, though, it was in the morning after work was taken up.

Mr. LAMBERT. After work began?

Miss KASSAL. Yes, sir.

Mr. LAMBERT. Do you remember how long he was gone?

Miss KASSAL. No, I do not. I guess he was gone about an hour.

Mr. LAMBERT. Do you know who had charge of the department while he was absent?

Miss KASSAL. I do not think anyone had charge, but if we would find trichinæ we would call on Mrs. Bushnell or Miss Gibson or anyone to look through the microscope for us and testify about it. We had our work divided out among us.

Mr. LAMBERT. His absence on that particular occasion did not interfere with the work of the department in any particular?

Miss KASSAL. No, sir; not that I know of.

Dr. WHITE. May I be permitted to ask a few questions?

The CHAIRMAN. Yes.

Dr. WHITE. Do you remember who gave out the numbers the morning when I went to that place?

Miss KASSAL. Was it not after the work was given out that morning?

Dr. WHITE. No.

Miss KASSAL. Then I do not remember it.

Dr. WHITE. My son Sidney.

Miss KASSAL. Oh, yes; I remember now.

Dr. WHITE. Do you not remember when I got back?

Miss KASSAL. I do not remember how long you were out; in fact I do not remember what time it was. I did not pay any particular notice to it. I never expected that it would come up.

Dr. WHITE. The committee can have the man come on and he will tell at what time I left the house.

Mr. LAMBERT. And the instances which you have now named are the only ones you can remember when he was ever absent?

Miss KASSAL. They are all I can recall.

Mr. LAMBERT. Do you recall an instance where the work of the department was delayed by reason of his being absent?

Miss KASSAL. No, I can not.

Mr. LAMBERT. Or where the work of any individual was delayed on account of his absence?

Miss KASSAL. No, sir; he always put some one there to give the numbers.

Mr. LAMBERT. Are you acquainted with Miss Flynn and Miss Dalton?

Miss KASSAL. Yes, sir.

Mr. LAMBERT. Were they assistant microscopists?

Miss KASSAL. Yes, sir.

Mr. LAMBERT. Are you acquainted with their competency and efficiency to do their work?

Miss KASSAL. Yes, sir. Of course we all had a certain way to do the work. To my knowledge, they did it the same way I did.

Mr. LAMBERT. Do you know whether or not they did good work?

Miss KASSAL. To my knowledge, they did.

Mr. LAMBERT. There was never any complaint of them?

Miss KASSAL. No, sir; not that I know of.

Mr. LAMBERT. None at all, so far as you know about it?

Miss KASSAL. No, sir; so far as I know, there was none.

Mr. LAMBERT. Do you know whether or not Miss Dalton was a little slow in her work?

Miss KASSAL. She was slower than the rest of us.

Mr. LAMBERT. Do you know anything about the patience and care which she bestowed upon her work?

Miss KASSAL. She was very patient and very careful with her work.

Mr. LAMBERT. What would you say in reference to the benefit or detriment to the Government by reason of her being slow?

Miss KASSAL. It is not a bit detrimental; in fact, you are required to work slowly.

Mr. LAMBERT. It would be beneficial rather than detrimental?

Miss KASSAL. Yes, sir.

Mr. LAMBERT. Do you recall hearing politics discussed in the department?

Miss KASSAL. Yes, sir. I know it was discussed before work was called, and at the noon hour and during the recesses.

Mr. LAMBERT. The girls there were divided politically?

Miss KASSAL. Yes, sir; they were. We showed it.

Mr. LAMBERT. They discussed the question.

Miss KASSAL. Yes, sir; and we showed it.

Mr. LAMBERT. With more or less feeling?

Miss KASSAL. Yes, sir.

Mr. LAMBERT. The girls who favored McKinley and those who favored Bryan naturally took opposite sides?

Miss KASSAL. How could we do otherwise?

Mr. LAMBERT. Did it influence your associations up there—did it divide you into classes?

Miss KASSAL. It made it so that we were not so friendly as we were before.

Mr. LAMBERT. You associated more with those who agreed with you politically?

Miss KASSAL. Yes, sir; those on our side.

Mr. LAMBERT. Do you know whether or not anyone reported your political beliefs to Dr. Ayer?

Miss KASSAL. Whether they were reported?

Mr. LAMBERT. What do you mean by "pictures?"

Miss KASSAL. The flags and pictures. Just as soon as they given out we had them.

Mr. LAMBERT. Did you have the different pictures in the window?

Miss KASSAL. Each girl where she sat put up the picture c candidate.

Mr. LAMBERT. Do you know whether there was any quarrel o troversy between Miss Dalton or Miss Flynn and any other girl?

Miss KASSAL. I know they had their political disputes.

Mr. LAMBERT. Did you ever hear Dr. White discuss politics t

Miss KASSAL. I never heard him do so during working hou never heard him come out directly in politics. I have heard Bushnell ask him questions as to how he stood, and he gave his v

Mr. LAMBERT. You knew from what Dr. White said which cand he favored?

Miss KASSAL. Yes, sir; I did.

Mr. LAMBERT. Anyone there could easily determine?

Miss KASSAL. Yes, sir.

Mr. LAMBERT. Did you hear any of the conversation betwee White and Mrs. Bushnell on the day of the election or the day be

Miss KASSAL. Yes, sir.

Mr. LAMBERT. It was with reference to the killing affair out i State?

Miss KASSAL. Yes, sir.

Mr. LAMBERT. Will you state as nearly as you can what was sa each party?

Miss KASSAL. Mr. Zeller came up and told about the train, think the doctor passed the remark that they ought to feel sor the life that was lost. Mrs. Bushnell got up and said that struck h that her brother was on the train. I think the doctor passed remark, well, it did not make any difference, or something like th do not know what. Anyway, she said she would remember that that he would be sorry for it.

Mr. LAMBERT. He would be sorry for it?

AL. No; she would not report me.
RT. I mean any on your side or the other side?
AL. I was on the Republican side. So she would not

RT. I have you classed wrongly, politically. Did you ever
e to the others——
AL. The only thing I did hear her say is this: After the
ut, Miss Giblin came up and was very angry; she said it
e. Mrs. Bushnell said that Miss Giblin had better keep
as not for her political pull with Martin she would be

RT. What Martin?
AL. Euclid Martin.
RT. Who is he?
AL. The postmaster.
RT. The postmaster of the city of Omaha?
AL. Yes, sir.
RT. How long would you say that was after the discharge?
AL. The very next working day. It was Monday morning.
s were Saturday. It was the day after.
RT. She did not state to Miss Giblin at that time how she
ld be let out unless she had that pull with Martin?
AL. She came up and told me about the pull with Martin.
RT. She did not state how she knew it; who told her?
AL. No, sir; she did not state.
RT. Do you know whether there was any religious con-
ng the girls?
AL. I do not think there was very much.
RT. There was not very much said about it?
AL. No, sir; not much.
RT. Do you know whether Miss Dalton and Miss Flynn
ctive part for Mr. Bryan than the other girls, especially

AL. I think of all Miss Giblin took the most active part.
RT. The girls were pronounced in their political convic-
their associates knew how they stood politically?
AL. Every girl had her colors up in her window.
RT. There was not one who did not have them up?
AL. No, sir.
RT. Did Dr. Ayer visit that department frequently?
AL. He never came up unless to tell whether the work
to find out about something. Otherwise he would never
never took any notice of our work.
RT. Did he ever verify or undertake to verify your work?
AL. Never to my knowledge.
RT. Do you know whether he knows anything about that

L. I do not think he does; I do not think he understands it.
RT. How often would you say he was there where he could
ork?
AL. I do not think he ever came up to observe the work;
ver so understood it.
RT. Were there any persons connected with the depart-
Dr. White and the assistant microscopists who would know
t it?

Miss KASSAL. A few times a year there would be a special agent there from Washington, who would come up.

Mr. LAMBERT. Otherwise none?

Miss KASSAL. Otherwise I know of none.

Mr. LAMBERT. Except the parties you have named?

Miss KASSAL. Yes, sir.

Dr. WHITE. I should like to ask you if my assistants would not know more about my being absent than anybody else. You would know when I was absent. The girls upstairs would know when I was absent?

Miss KASSAL. We would know because we were in the same room.

Dr. WHITE. I should like to ask Miss Kassal if she ever had to wait for her work?

Miss KASSAL. I never had to wait unless the packers did not send it up in time. That happens now. The packers sometimes do not send it up. Then we divide up the work and take some of the other girls' work until our work comes.

Dr. WHITE. Dr. Ayer says I made a great many mistakes. How about that?

Miss KASSAL. I know of only one with trichinæ. We could not tell, and the day's work had to be thrown out.

Dr. WHITE. That was not my fault, as I stated a while ago. I tried to give the number to the packing house.

Miss KASSAL. I think Mr. Schibsby took the wrong number.

Mr. LAMBERT. I believe you stated that you had worked under a chief before Dr. White.

Miss KASSAL. Yes; Dr. Siggins.

Mr. LAMBERT. You are now working under another chief?

Miss KASSAL. Dr. Clark, acting chief.

Mr. LAMBERT. Do you regard the order, discipline, and service maintained under Dr. White as being equally as good or better than that maintained by the others?

Miss KASSAL. Dr. Clark is stricter. We have not so many recesses, and we have a shorter noon hour now, because we have notice from the Government not to have the recesses.

Mr. LAMBERT. That notice has come since?

Miss KASSAL. We had notice last week.

Mr. LAMBERT. Otherwise what would you say?

Miss KASSAL. I think our work was done the same way.

Mr. LAMBERT. Was it done equally well under Dr. White's supervision.

Miss KASSAL. Yes, sir.

Mr. LAMBERT. And the order was equally good?

Miss KASSAL. Yes, sir.

The CHAIRMAN. How long had you been employed there at the time the doctor was discharged?

Miss KASSAL. I had been employed there about four years.

The CHAIRMAN. Do you think his neglect of duty was of such a character as to warrant his discharge?

Miss KASSAL. I do not think so.

The CHAIRMAN. You think not?

Miss KASSAL. No, sir.

The CHAIRMAN. Was he there promptly every day to attend to his duty?

Miss KASSAL. Yes, sir.

The CHAIRMAN. Have you heard anyone in connection with the

state why he was discharged? Have you heard Dr. Ayer

AL. Dr. Ayer did not tell me.
MAN. You have not heard him say?
AL. No, sir.

TESTIMONY OF MISS MARY K. GIBLIN.

r K. GIBLIN, being duly sworn, testified as follows:

MAN. Where do you reside?
N. 1909 Benney street.
MAN. In this city?
N. Yes, sir.
MAN. Were you discharged from the microscopical branch
n of Animal Industry?
N. No, sir.
MAN. You still hold your position?
N. Yes, sir.
MAN. Are you acquainted with Dr. White?
N. Yes, sir.
MAN. How long did you serve in the department with the

N. I could not be positive; about three years, I think.
MAN. You served there during his incumbency?
N. Yes, sir.
MAN. What do you know with respect to his qualifications;
ot he is qualified to discharge the duties of the position
i there?
N. In my judgment he is qualified.
MAN. You think he is qualified?
N. Yes, sir.
MAN. Do you know of any instance where he was derelict
rge of his duty?
N. No, sir.
MAN. Did you hear Dr. Ayer assign any reason for his
n the service?
N. No, sir. I believe Dr. Ayer did state to me in the car
the doctor received professional calls, and that he boasted
ce he had with Secretary Morton, that he could maintain

MAN. With respect to the charge that he was engaged in
fessional calls, do you know whether he neglected his offi-
attend professional calls?
N. No, sir; I do not know. I hear that he made calls, but
hed more than some of the other ladies, so that I do not

MAN. Then you know of no instance, of your own knowl-
e neglected his duties to attend professional calls?
N. No, sir. On the other hand I remember a gentleman
r and asked him to attend him; his hand was bandaged
tor told him to wait until recess.
MAN. The doctor said what?
N. The doctor asked him to wait until recess.
RT. Did you make an affidavit for Mr. Shelden when he

Miss GIBLIN. No, sir.

Mr. LAMBERT. You were not one of those who made affidavits?

Miss GIBLIN. No, sir.

Mr. LAMBERT. Were you called on to make an affidavit?

Miss GIBLIN. No, sir; it was all done without my knowledge. Mrs. Bushnell came upstairs and whispered to each lady who was brought down. There was three of us who knew nothing at all about it, but we knew that the others used to be out of the room for an hour or a half hour. We knew they were downstairs in Dr. Ayer's office, but we did not know the nature of their business.

Mr. LAMBERT. Did Mr. Shelden or anyone for him ever ask you any questions in reference to certain things?

Miss GIBLIN. No, sir.

Mr. LAMBERT. Did you ever hear politics discussed upstairs?

Miss GIBLIN. I did.

Mr. LAMBERT. You discussed politics up there quite frequently during the last campaign?

Miss GIBLIN. Yes, sir.

Mr. LAMBERT. When did this occur—in the interim, or during working hours?

Miss GIBLIN. In the recess.

Mr. LAMBERT. You each had a Bryan or McKinley picture or flag in your window?

Miss GIBLIN. Yes, sir.

Mr. LAMBERT. That in itself caused more or less ill feeling among your associates?

Miss GIBLIN. Yes, sir; I think so.

Mr. LAMBERT. Did it ever break out into open quarreling, or anything of the kind?

Miss GIBLIN. I think it did. I guess you would call it quarreling. We had pretty heated disputes.

Mr. LAMBERT. It caused the girls to take sides?

Miss GIBLIN. Yes, sir. I think Mrs. Bushnell, Miss Gibson, and I did most of the talking there. I do not recollect that Miss Flynn or Miss Dalton said anything. They might have said it without my knowledge.

Mr. LAMBERT. Did you know their politics?

Miss GIBLIN. I certainly did.

Mr. LAMBERT. Could you tell what their politics was from what they said there and from the part they took in putting up pictures?

Miss GIBLIN. Yes, sir.

Mr. LAMBERT. Mrs. Bushnell or anybody else could tell which side they favored?

Miss GIBLIN. Certainly.

Mr. LAMBERT. Do you know whether Mrs. Bushnell or anybody else threatened them?

Miss GIBLIN. I heard she made use of that remark to Dr. White, but I happened to be out of the room when it occurred.

Mr. LAMBERT. You never heard Mrs. Bushnell threaten Miss Flynn or Miss Dalton?

Miss GIBLIN. No, sir.

Mr. LAMBERT. Or Miss Thompson?

Miss GIBLIN. No, sir.

Mr. LAMBERT. Did Mrs. Bushnell ever talk to you about the discharges after they occurred?

Miss GIBLIN. No, sir; I do not recall that she did.

ERT. Do you know whether she undertook to have you
?
LIN. I could not say positively, but I think perhaps she did.
ERT. But you can not say positively?
LIN. No, sir.
ERT. Do you know whether anyone connected with the
did?
LIN. Some person surely did, because Mr. Martin told me
charges filed against me.
ERT. Did he say what the charges were?
LIN. No, sir; and I did not ask.
ERT. You were not discharged as a matter a fact?
LIN. No, sir.
ERT. Did he state at that time who made the charges?
LIN. No, sir.
ERT. You refer to Mr. Euclid Martin, the postmaster here?
LIN. Yes, sir.
ERT. You were acquainted with the work of Miss Flynn
alton?
LIN. Yes, sir.
ERT. What do you think of their work as compared with
the other microscopists there?
LIN. I would say that Miss Dalton was really scrupulously
us. She was very cautious about her work, and Miss Flynn
k as well as any other girl on the force.
ERT. Did Miss Dalton do her work so that she would be
en the time for adjournment came each day?
LIN. Miss Dalton sometimes, on account of being so slow,
ing recess hours, and part of the noon time, too.
ERT. Did any of the girls complain at any time about Miss
g slow and so holding them there?
LIN. I heard them talk about her being slow, but I do not
d anybody there.
ERT. You heard no such complaint? You do not remem-
h complaint?
LIN. No, sir.
ERT. You never heard any complaint against them by

LIN. No, sir.
ERT. Other than what you have stated?
LIN. No, sir.
TE. I should like to ask whether, if those two girls neglected
the girls did not neglect their work?
LIN. Yes, sir; certainly, if they did we all did. If there was
in removal for any cause, Mrs. Bushnell and Miss Gibson
d be removed.
ERT. You mean for political reasons?
LIN. Yes, sir; for political reasons. That would be justice.
ERT. Do you know whether or not Mr. Martin was national
man for the Palmer and Buckner ticket?
LIN. I saw by the papers that he was.
ERT. You understood at the time that he was?
LIN. Yes, sir.
TE. Did you ever find me absent in the morning when you
rk?
LIN. No, sir; except the morning when your son was there.

Dr. WHITE. He was calling out the numbers?
Miss GIBLIN. Yes, sir.
Dr. WHITE. Do you remember what time I got back that morning?
Miss GIBLIN. No, sir; I do not.
Dr. WHITE. That was the time the leg was broken?
Miss GIBLIN. I do not know.
Dr. WHITE. That is it.
Miss GIBLIN. In fact I never knew.
Dr. WHITE. Did you ever find me absent when you left in the evening? Would I be there to make out the report?
Miss GIBLIN. You were always there in the evening, according to my recollection.

At 12 o'clock, meridian, the subcommittee took a recess until 1.30 o'clock p. m.

AFTER RECESS.

At the expiration of the recess the subcommittee resumed its session.

TESTIMONY OF MISS NELLIE M. DENNIS.

Miss NELLIE M. DENNIS, being duly sworn, testified as follows:

Mr. LAMBERT. I believe you are an assistant microscopist at South Omaha?
Miss DENNIS. Yes, sir.
Mr. LAMBERT. And you have been for some time?
Miss DENNIS. Yes, sir.
Mr. LAMBERT. How long have you been a microscopist?
Miss DENNIS. I could not tell exactly; for about four years.
Mr. LAMBERT. Some time before Dr. White assumed charge?
Miss DENNIS. Yes, sir.
Mr. LAMBERT. And you remained after Dr. White assumed charge?
Miss DENNIS. Yes, sir.
Mr. LAMBERT. And after the time he was discharged?
Miss DENNIS. Yes, sir.
Mr. LAMBERT. You were at the department regularly during his charge of the bureau?
Miss DENNIS. Yes, sir.
Mr. LAMBERT. Were you at any time paroled or absent from the department?
Miss DENNIS. I do not understand the question.
Mr. LAMBERT. At any time within the term that he was there, were you paroled or absent from the department?
Miss DENNIS. I was discharged shortly after he went in, and then I was reinstated.
Mr. LAMBERT. How long did your discharge continue?
Miss DENNIS. I think it was about eleven months.
Mr. LAMBERT. Then it follows that you were in the department while he was there, under his control, some two or three years?
Miss DENNIS. Yes, sir.
Mr. LAMBERT. That was the latter part of his term?
Miss DENNIS. Yes, sir.
Mr. LAMBERT. Do you know when the department was placed under the civil service?
Miss DENNIS. No, I do not.

Mr. LAMBERT. Do you know about what time it was? [A pause.] Refreshing your memory, it was some time in July, 1895.

Miss DENNIS. I do not remember when it was?

Mr. LAMBERT. Were you there regularly at the opening of the morning sessions?

Miss DENNIS. Yes, sir.

Mr. LAMBERT. You remained until the close?

Miss DENNIS. Yes, sir.

Mr. LAMBERT. Do you remember Dr. White being absent at any time in the morning when you got there?

Miss DENNIS. I think there was one morning.

Mr. LAMBERT. Do you remember how long ago it was when he was absent?

Miss DENNIS. No, I do not.

Mr. LAMBERT. Would you say it was a year prior to his discharge?

Miss DENNIS. I could not tell.

Mr. LAMBERT. On the morning he was absent, to which you have referred, did you find your work assigned and allotted to you?

Miss DENNIS. Yes, sir.

Mr. LAMBERT. And you were in a position to go right ahead with the work?

Miss DENNIS. Yes, sir.

Mr. LAMBERT. Did his absence interfere at all with the work in your department?

Miss DENNIS. No, sir.

Mr. LAMBERT. Then on all other mornings he was there?

Miss DENNIS. Yes, sir.

Mr. LAMBERT. Do you remember that the work was not assigned any morning, or was it always assigned to you when you got there?

Miss DENNIS. Yes, sir; always.

Mr. LAMBERT. Ready?

Miss DENNIS. Yes, sir.

Mr. LAMBERT. Do you remember Dr. White being absent during the day at any time or times?

Miss DENNIS. No, sir; not during working hours.

Mr. LAMBERT. You do not remember that he went out to attend any calls or patients?

Miss DENNIS. No, sir.

Mr. LAMBERT. Or that he went out of the department for that purpose at all?

Miss DENNIS. No, sir; I do not.

Mr. LAMBERT. Was he always there and ready to respond to a call that any of the assistants might make?

Miss DENNIS. Yes, sir.

Mr. LAMBERT. So far as you know?

Miss DENNIS. Yes, sir.

Mr. LAMBERT. And this continued throughout his service, from the time you were reinstated until he was discharged?

Miss DENNIS. Yes, sir.

Mr. LAMBERT. Were you called on to make a statement when Mr. Edward Shelden was there?

Miss DENNIS. No, sir.

Mr. LAMBERT. You never gave your affidavit in the investigation?

Miss DENNIS. No, sir.

Mr. LAMBERT. You did testify before Mr. Huston?

Miss DENNIS. Yes, sir.

Mr. LAMBERT. I thought I remembered you. Did anyone come to you and talk to you about making a statement to Shelden; do you remember whether anyone did?

Miss DENNIS. Yes, sir.

Mr. LAMBERT. Who did so?

Miss DENNIS. Mrs. Bushnell.

Mr. LAMBERT. Will you state to the committee just what Mrs. Bushnell said to you on that occasion?

Miss DENNIS. I can not tell exactly.

Mr. LAMBERT. Give it as nearly as you can.

Miss DENNIS. She told me that Mr. Shelden would interview me, and she told me about what he would ask me—the questions.

Mr. LAMBERT. Did she say anything further?

Miss DENNIS. No, sir.

Mr. LAMBERT. Did she suggest what answer you ought to make?

Miss DENNIS. She was speaking of the girls. She said I knew they were slow workers.

Mr. LAMBERT. Slow workers?

Miss DENNIS. Yes, sir.

Mr. LAMBERT. Whom do you mean when you say "girls?"

Miss DENNIS. Miss Flynn and Miss Dalton.

Mr. LAMBERT. Two of those who were discharged?

Miss DENNIS. Yes, sir.

Mr. LAMBERT. What did you state to Mrs. Bushnell at that time in reference to the girls?

Miss DENNIS. I do not think I said anything about them.

Mr. LAMBERT. You do not think you said anything?

Miss DENNIS. No, sir.

Mr. LAMBERT. Do you know whether or not Mrs. Bushnell communicated this statement to Mr. Shelden? You said nothing, however?

Miss DENNIS. No, sir.

Mr. LAMBERT. You do not know whether she told Mr. Shelden or Dr. Ayer about it afterwards?

Miss DENNIS. No, sir; I do not.

Mr. LAMBERT. You were not called on by Mr. Shelden?

Miss DENNIS. No, sir.

Mr. LAMBERT. Did you at any time afterwards—soon afterwards, I might add—state to Mrs. Bushnell your feeling in the matter?

Miss DENNIS. No, sir; I think not.

Mr. LAMBERT. All of the girls in that department had a little politics during the campaign of 1896?

Miss DENNIS. Yes, sir.

Mr. LAMBERT. The girls took sides, and there was a Bryan faction and a McKinley faction?

Miss DENNIS. Yes, sir.

Mr. LAMBERT. And they hung up the pictures of their respective candidates?

Miss DENNIS. Yes, sir.

Mr. LAMBERT. There was more or less talk about this matter among the girls?

Miss DENNIS. Yes, sir.

Mr. LAMBERT. Do you know whether or not the conversation ever degenerated into a quarrel, or anything of that kind, among the girls?

Miss DENNIS. They just discussed it. I do not know that there was any quarrel.

Mr. LAMBERT. They did not get angry?

Miss DENNIS. I do not know; I know I did not.

Mr. LAMBERT. Do you think the fact that they discussed politics so frequently and so intensely created a kind of coolness of feeling among them?

Miss DENNIS. Well, I suspect it did.

Mr. LAMBERT. You rather think, from their conduct, that it did?

Miss DENNIS. Yes, sir.

Mr. LAMBERT. You do not think Miss Dalton and Miss Flynn were so friendly with Mrs. Bushnell as were Miss Gibson and Miss Thompson?

Miss DENNIS. No, sir.

Mr. LAMBERT. They did not associate with one another so much?

Miss DENNIS. No, sir.

Mr. LAMBERT. Did you notice a disposition to be cool before the campaign, or do you think it arose because of the discussions during the campaign?

Miss DENNIS. I do not know.

Mr. LAMBERT. You could not say?

Miss DENNIS. No, sir.

Mr. LAMBERT. Did you ever hear Dr. White publicly discuss politics in the department during working hours?

Miss DENNIS. No, sir.

Mr. LAMBERT. You never heard anything said by him?

Miss DENNIS. No, sir.

Mr. LAMBERT. It was usually at recess or some time like that?

Miss DENNIS. Yes, sir.

Mr. LAMBERT. Did you hear the remark that Dr. White made to Mrs. Bushnell, and also the retort Mrs. Bushnell made, relative to the Irish train killing some one here in the State?

Miss DENNIS. Yes, sir.

Mr. LAMBERT. Will you state to the committee, as nearly as you can, what Dr. White said and what Mrs. Bushnell said in return?

Miss DENNIS. He said something about "I wonder how those men feel after killing that man," or something like that.

Mr. LAMBERT. What did Mrs. Bushnell then say?

Miss DENNIS. She said, "Doctor, you will be sorry for that remark; I will not forget it," or something like that.

Mr. LAMBERT. Did she say anything about any of her relatives being on the train?

Miss DENNIS. Yes, sir; she said her brother was.

Mr. LAMBERT. Do you know whom she meant? Was it Tobias Castor?

Miss DENNIS. I think so.

Mr. LAMBERT. Were you acquainted with the work and the character of the work Miss Flynn and Miss Dalton were doing?

Miss DENNIS. Yes, sir.

Mr. LAMBERT. You had a very good opportunity of knowing?

Miss DENNIS. Yes, sir.

Mr. LAMBERT. What, in your judgment, was the kind of work they did?

Miss DENNIS. I thought they were good workers.

Mr. LAMBERT. Thoroughly competent to do the work they were undertaking to do?

Miss DENNIS. Yes, sir.

Mr. LAMBERT. They did it efficiently?

Miss DENNIS. Yes, sir.

Mr. LAMBERT. And in time?

Miss DENNIS. Yes, sir.

Mr. LAMBERT. Miss Dalton was a little slow?

Miss DENNIS. Yes; she was slower than Miss Flynn.

Mr. LAMBERT. Do you think that would be detrimental to the Government?

Miss DENNIS. No, sir; I think not.

Mr. LAMBERT. Rather a benefit?

Miss DENNIS. Yes, sir.

Mr. LAMBERT. Do you know any cause for their removal on account of neglect of duty or inefficiency in the work?

Miss DENNIS. No; I do not.

Mr. LAMBERT. You think they averaged up well with their associates?

Miss DENNIS. Yes, sir.

Mr. LAMBERT. Do you recall any mistakes that were made in the department by either the assistants or Dr. White?

Miss DENNIS. I do not know of any.

Mr. LAMBERT. You do not know of any?

Miss DENNIS. No, sir.

Mr. LAMBERT. The department got along nicely?

Miss DENNIS. Yes, sir.

Mr. LAMBERT. You worked under other chiefs than Dr. White?

Miss DENNIS. Yes, sir.

Mr. LAMBERT. Did the department under his management get along as nicely as it did under other chiefs?

Miss DENNIS. Yes, sir.

Mr. LAMBERT. He seemed to attend to his duty and understood it as well as any other chief?

Miss DENNIS. Yes, sir.

The CHAIRMAN. Mr. Lambert, I wish you would have the witness explain about the train, the killing of the man, so that we can see the relevancy of that testimony.

Mr. LAMBERT. Miss Dennis, please explain that occurrence.

Miss DENNIS. I do not believe I can explain it.

The CHAIRMAN (to Mr. Lambert). Make a statement yourself.

Mr. LAMBERT. I understand that Mr. Bryan was on a special train in the State of Nebraska, making certain points in a prescribed circuit, at which points he made short speeches from the rear of the train. Mr. John P. Irish, in behalf of the Palmer and Buckner ticket, was following on the same circuit, also making short speeches at the points at which Mr. Bryan had spoken. This was the day before the election. Somewhere out beyond Lincoln a freight train was standing on a side track. After the Bryan train had passed some time, this train switched off, I think, so far as the caboose was concerned, on to the main track. While standing there, either through inability to move off or neglect to do so, the Irish train, following, ran into the caboose of the freight train and killed a traveling man.

The CHAIRMAN. The traveling man was riding on the accommodation train?

Mr. LAMBERT. Yes, sir. That is what prompted the remark of Dr. White.

The CHAIRMAN. Very well.

Mr. LAMBERT. Miss Dennis, have you ever talked with any of the persons connected with the department about why these parties were removed or discharged?

Miss DENNIS. We talked, wondering what was the reason why they were discharged.

Mr. LAMBERT. Did anyone state for what reason they were discharged, other than neglect of duty?

Miss DENNIS. No, sir.

Mr. LAMBERT. No one has ever said to you, or in your presence, that it was for political reasons, or that they knew it was for political reasons, that the people were discharged?

Miss DENNIS. No, sir.

TESTIMONY OF MISS MARGARET HOGAN.

Miss MARGARET HOGAN, being duly sworn, testified as follows:

Mr. LAMBERT. I believe you are an assistant microscopist at South Omaha?

Miss HOGAN. Yes, sir.

Mr. LAMBERT. You have been for how long?

Miss HOGAN. I think it is about four years last June.

Mr. LAMBERT. You were an assistant during Dr. White's term?

Miss HOGAN. Yes, sir.

Mr. LAMBERT. Throughout his term?

Miss HOGAN. Yes, sir.

Mr. LAMBERT. Whenever there was any work to do you were there?

Miss HOGAN. Yes, sir.

Mr. LAMBERT. Do you recall at this time whether Dr. White was absent any morning?

Miss HOGAN. I remember that one morning he was not there. It was early in the morning, and I do not remember whether he came back at the time we were on duty or not; but I know when I came he was not there.

Mr. LAMBERT. Do you know who made the assignment and distribution of the specimens to be examined?

Miss HOGAN. I think his son did.

Mr. LAMBERT. His son, Sidney White?

Miss HOGAN. Yes, sir; he gave out the numbers.

Mr. LAMBERT. You do not recall whether the Doctor was back in time?

Miss HOGAN. No, sir.

Mr. LAMBERT. Do you know whether or not it interfered with the performance of the work?

Miss HOGAN. I think not.

Mr. LAMBERT. You think you went to work just the same as you always did?

Miss HOGAN. Oh, yes; we always did.

Mr. LAMBERT. His absence did not interfere, so far as going to work was concerned?

Miss HOGAN. No, sir.

Mr. LAMBERT. Do you remember whether it interfered because of his not being there to verify specimens?

Miss HOGAN. No; I think he left someone in charge.

Mr. LAMBERT. Who did verify the specimens in his absence?

Miss HOGAN. Mrs. Bushnell.

Mr. LAMBERT. You do not remember now whether or not he returned before work began?

Miss HOGAN. I do not remember.

Mr. LAMBERT. Consequently you can not state whether or not there was anyone called on to verify?

Miss HOGAN. No, sir.

Mr. LAMBERT. Do you know how long ago this absence of which you speak occurred?

Miss HOGAN. No, sir; I have no idea.

Mr. LAMBERT. Would you say it was a year or two years?

Miss HOGAN. I could not say.

Mr. LAMBERT. Do you remember when you went under the civil service?

Miss HOGAN. I do not believe I can remember.

Mr. LAMBERT. You do not, then, know whether this was before or after that time?

Miss HOGAN. No, sir; I do not remember.

Mr. LAMBERT. I will ask you if you remember his being absent during the day at any time?

Miss HOGAN. No; I do not remember any time.

Mr. LAMBERT. If he had been absent you probably would have known it?

Miss HOGAN. Yes, sir.

Mr. LAMBERT. In your position?

Miss HOGAN. Yes, sir.

Mr. LAMBERT. Do you know whether he ever neglected any duty he had to perform in the department?

Miss HOGAN. No; I do not.

Mr. LAMBERT. You never called on him and found him absent or not ready and willing to aid you?

Miss HOGAN. No, sir.

Mr. LAMBERT. Do you know of anyone else calling on him and not receiving his assistance?

Miss HOGAN. No, sir; I do not.

Mr. LAMBERT. He was always there except the one morning of which you have spoken?

Miss HOGAN. Yes, sir; as far as I remember.

Mr. LAMBERT. You left him there in discharge of the further work of the department when you went home?

Miss HOGAN. Yes, sir.

Mr. LAMBERT. Were you requested to make a statement before Mr. Shelden when he was here?

Miss HOGAN. No, sir.

Mr. LAMBERT. Did anyone ever talk to you about his being here?

Miss HOGAN. No, sir.

Mr. LAMBERT. Did you know of his being here at the time?

Miss HOGAN. No; I did not know until several days after that he had been here.

Mr. LAMBERT. Are you acquainted with Miss Flynn and with Miss Dalton?

Miss HOGAN. Yes, sir.

Mr. LAMBERT. You have worked with them, and they were your associates?

Miss HOGAN. Yes, sir.

Mr. LAMBERT. Do you know anything about their competency and efficiency?

Miss HOGAN. As far as I know, judging from their appearance, I think they did their work well. Of course I could not tell whether they did their work; I could not tell whether anybody did his or her work, because it would be necessary for one to reexamine after them; but judging from their appearance—and they did the same amount that we all did—I should say they were good workers.

Mr. LAMBERT. Dr. White usually made the reexamination in your presence and openly criticised anyone failing?

Miss HOGAN. Yes, sir.

Mr. LAMBERT. Did you hear him criticise Miss Flynn or Miss Dalton any more than he did anyone else in the department?

Miss HOGAN. No, sir; not that I remember.

Mr. LAMBERT. If he had done so, you would have heard it?

Miss HOGAN. Yes, sir.

Mr. LAMBERT. Miss Dalton was a little slow?

Miss HOGAN. Yes, sir.

Mr. LAMBERT. But she was always through on time?

Miss HOGAN. Yes, sir.

Mr. LAMBERT. You girls talked politics there in the last campaign?

Miss HOGAN. Yes, sir; we did.

Mr. LAMBERT. Considerably?

Miss HOGAN. Yes, sir.

Mr. LAMBERT. And were there Bryan and McKinley pictures in the windows?

Miss HOGAN. Some of the young ladies did put up such pictures, but not all of them.

Mr. LAMBERT. The political feeling there got rather intense toward the close of the campaign?

Miss HOGAN. Yes, and caused some coolness.

Mr. LAMBERT. That, you think, tended to create enmity, more or less, among the girls?

Miss HOGAN. It seemed to cause a little coolness among the girls.

Mr. LAMBERT. They divided off into cliques and gangs, as we call them?

Miss HOGAN. Yes, sir.

Mr. LAMBERT. And remained, during the campaign at least, in those gangs?

Miss HOGAN. Yes, sir.

Mr. LAMBERT. Did you ever hear anyone of the assistants threaten to tell anything on any of her associates—any political matters, I mean?

Miss HOGAN. No; I never did.

Mr. LAMBERT. Did Miss Flynn and Miss Dalton talk politics more than any of the other girls?

Miss HOGAN. No; I do not think they did.

Mr. LAMBERT. Although you knew what their politics was, did you not?

Miss HOGAN. Yes, sir.

Mr. LAMBERT. And anyone up there could tell without trouble?

Miss HOGAN. Yes, sir.

Mr. LAMBERT. As well as they could tell what the politics of all the others was?

Miss HOGAN. Yes, sir.

Mr. LAMBERT. Do you recall that they ever neglected their duty; that they were late or tardy in the discharge of their duties?

Miss HOGAN. No, sir; I do not.

Mr. LAMBERT. Then you know of no reason, from what you could observe, for their being discharged on account of neglect of duty?

Miss HOGAN. No, sir.

Mr. LAMBERT. Did you hear the remark made by Dr. White to Mrs. Bushnell and her retort—on the day of the election, I think it was?

Miss HOGAN. Yes, sir; I did.

Mr. LAMBERT. State to the committee, as nearly as you can, what Dr. White said, and also what Mrs. Bushnell said in return.

Miss HOGAN. I do not remember the exact words used, but I think Dr. White said he wondered how those people felt after killing that man; and Mrs. Bushnell said, "Dr. White, I will not forget that remark. My brother was on that train." I think those were the words. I can not just remember them.

Mr. LAMBERT. Refreshing your memory, I will ask you if this statement was made by Mrs. Bushnell: "I will remember you for it."

Miss HOGAN. "I will not forget it;" I think those were the words she used.

Mr. LAMBERT. Do you know whether or not Mrs. Bushnell or any other person in the department ever carried news or information below as to what was going on upstairs in the department?

Miss HOGAN. No, sir; I do not.

Mr. LAMBERT. Dr. Ayer did not visit the department very often?

Miss HOGAN. No, sir.

Mr. LAMBERT. As a matter of fact he was not in a position to know whether you were doing good or bad work?

Miss HOGAN. No, sir.

Mr. LAMBERT. Unless someone told him whether you were doing good or bad work he would not be in a position to know?

Miss HOGAN. No, sir.

TESTIMONY OF MISS MAGGIE FAHEY.

Miss MAGGIE FAHEY, being duly sworn, testified as follows:

Mr. LAMBERT. You are an assistant microscopist at the South Omaha station of the Bureau of Animal Industry?

Miss FAHEY. Yes, sir.

Mr. LAMBERT. How long have you been there?

Miss FAHEY. Nearly three years.

Mr. LAMBERT. During all or most of Dr. White's charge there?

Miss FAHEY. Yes, sir.

Mr. LAMBERT. Do you at this time recall Dr. White being absent at any time at the opening of the morning work?

Miss FAHEY. Just one morning.

Mr. LAMBERT. Do you know how long ago it was?

Miss FAHEY. No; I do not remember just how long ago it was.

Mr. LAMBERT. Do you remember who was in charge?

Miss FAHEY. Yes, sir; his son was taking down the numbers that morning.

Mr. LAMBERT. Do you remember whether the doctor returned before the work began by the assistants?

Miss FAHEY. No; I do not remember.

Mr. LAMBERT. Do you recall at this time how long he was absent?

Miss FAHEY. No, sir; I can not remember how long he was absent. We were working when he came back.

Mr. LAMBERT. He might have returned before or after the work began?

Miss FAHEY. Yes, sir.

Mr. LAMBERT. Did his absence interfere with the work that morning?

Miss FAHEY. No, sir.

Mr. LAMBERT. Do you recall whether Dr. White was absent during the day at any time?

Miss FAHEY. No, sir; only once, and he went to a picnic that day.

Mr. LAMBERT. Do you know how long ago that was?

Miss FAHEY. No, sir; I do not.

Mr. LAMBERT. How long ago was it, according to your best judgment?

Miss FAHEY. I should judge it was over a year ago.

Mr. LAMBERT. From the time you were discharged, or now?

Miss FAHEY. From now, I should say.

Mr. LAMBERT. Then it would be during the summer of 1896, as you recall it?

Miss FAHEY. Really I could not say.

Mr. LAMBERT. Do you know whether or not he was excused?

Miss FAHEY. He was excused.

Mr. LAMBERT. Do you know who excused him?

Miss FAHEY. I heard that Dr. Ayer excused him.

Mr. LAMBERT. Who was there in his stead?

Miss FAHEY. I do not think anyone was left in charge of us. We all did our work as well while he was gone.

Mr. LAMBERT. Was he gone all of the day or just part of the day?

Miss FAHEY. Part of the day. He was there before we left the office, I know.

Mr. LAMBERT. In the evening?

Miss FAHEY. Yes, sir.

Mr. LAMBERT. Was he there to distribute the specimens in the morning?

Miss FAHEY. Yes, sir.

Mr. LAMBERT. During part of the day, after the opening and before the close, he was absent?

Miss FAHEY. Yes, sir.

Mr. LAMBERT. Do you know where he went to a picnic?

Miss FAHEY. No, sir; I do not know.

Mr. LAMBERT. Do you remember whether he was absent at any other time than the occasion you have mentioned, to attend patients or make professional calls, or to prescribe or to do anything of the sort?

Miss FAHEY. No, sir.

Mr. LAMBERT. Otherwise he was always present?

Miss FAHEY. Yes, sir.

Mr. LAMBERT. And ready and willing to discharge any duties you might request him to do, or that were to be done in the department?

Miss FAHEY. Yes, sir.

Mr. LAMBERT. Do you remember that he at any time neglected any duties?

Miss FAHEY. No, sir.

Mr. LAMBERT. What you regarded as a duty of the office?

Miss FAHEY. No, sir.

Mr. LAMBERT. Whenever there was a reexamination or a verification to be made he was there and willing to do it, and did make the verification?

Miss FAHEY. Yes, sir; as far as I know.

Mr. LAMBERT. Were you called on to make a statement before Edward Shelden, who was collecting evidence some time after Dr. White was discharged?

Miss FAHEY. No, sir.

Mr. LAMBERT. Were you requested to do it?

Miss FAHEY. No, sir.

Mr. LAMBERT. Do you remember conversing with anyone about it at or about the time he was here?

Miss FAHEY. No, sir.

Mr. LAMBERT. You are acquainted both with Miss Flynn and Miss Dalton?

Miss FAHEY. Yes, sir.

Mr. LAMBERT. You know the work they were doing?

Miss FAHEY. Yes, sir.

Mr. LAMBERT. And how they were doing it, ordinarily?

Miss FAHEY. Yes, sir.

Mr. LAMBERT. What would you say with respect to whether it was good, bad, or indifferent work?

Miss FAHEY. I should say they were good working girls. They were competent, so far as I could tell.

Mr. LAMBERT. Always prompt?

Miss FAHEY. Always prompt, and very attentive to their work.

Mr. LAMBERT. No complaints were made of them?

Miss FAHEY. I never heard of them.

Mr. LAMBERT. Neither by the chief nor by any of the assistants?

Miss FAHEY. No, sir.

Mr. LAMBERT. Then you know of nothing that would justify their discharge on the ground of neglect of duty?

Miss FAHEY. No, sir; I do not.

Mr. LAMBERT. I believe you said they were present?

Miss FAHEY. Yes, sir.

Mr. LAMBERT. And always remained until the work was completed?

Miss FAHEY. Yes, sir. We all had the same amount of work to do.

Mr. LAMBERT. They always did theirs?

Miss FAHEY. Yes, sir.

Mr. LAMBERT. You never heard them publicly chastised or criticised by their chief or any other person there?

Miss FAHEY. No, sir.

Mr. LAMBERT. If such chastisement or criticism had been passed, you would have heard it?

Miss FAHEY. Yes, sir; I should think so.

Mr. LAMBERT. The girls there talked politics?

Miss FAHEY. Yes, sir.

Mr. LAMBERT. You were divided into parties, or, rather, cliques or gangs?

Miss FAHEY. Yes, sir.

Mr. LAMBERT. Do you think the discussion caused any ill feeling among the different girls in the room?

Miss FAHEY. I think it did for awhile.

Mr. LAMBERT. In fact, did it get so as to prevent any of the girls from speaking when they met?

Miss FAHEY. No; I do not think so.

Mr. LAMBERT. Did you ever hear any of them quarrel?

Miss FAHEY. I do not know. They used to get into some pretty hot arguments, but I do not know that they quarreled over it, exactly.

Mr. LAMBERT. Who seemed to take the leading part on the McKinley side and who on the Bryan side, if anybody took a leading part?

Miss FAHEY. I should judge Mrs. Bushnell and Miss Gibson did.

Mr. LAMBERT. They seemed to talk the most?

Miss FAHEY. Yes, sir.

Mr. LAMBERT. Although you knew Miss Flynn's politics and also Miss Dalton's politics?

Miss FAHEY. Yes, sir.

Mr. LAMBERT. You could easily have told, and Mrs. Bushnell probably knew it also, from what was being said or done about it?

Miss FAHEY. Yes, sir.

Mr. LAMBERT. Did you ever hear her, Miss Gibson, or Miss Thompson complain of your politics or of the politics of any of the other girls there?

Miss FAHEY. No, sir.

Mr. LAMBERT. The discussion and conversation, etc., took place at recess and noon?

Miss FAHEY. Yes, sir.

Mr. LAMBERT. It was not permitted or allowed in the department during working hours?

Miss FAHEY. No, sir.

Mr. LAMBERT. What was the order which Dr. White maintained there; was it good or bad, or how was it?

Miss FAHEY. It was good.

Mr. LAMBERT. The discipline was good?

Miss FAHEY. Yes, sir.

Mr. LAMBERT. I believe you overheard the conversation between Dr. White and Mrs. Bushnell on election day, with reference to the Irish train?

Miss FAHEY. Yes, sir.

Mr. LAMBERT. State to the committee as nearly as you can just what was said.

Miss FAHEY. I heard the doctor say, just after recess and before we started to work, "I wonder how those fellows feel after taking that man's life." Then there was nothing said for a while until we had recess again. Mrs. Bushnell called him, or at least I think she called him, because he was up there by her table. They were talking there, I do not know just what about, but the doctor was kind of explaining to her, and she was very angry, and she said, as she rose from the table, "That is all right, Dr. White; I will not forget this for you."

Mr. LAMBERT. Did she say "You will be sorry for it?"

Miss FAHEY. I do not remember her saying that. I just heard her say "That is all right, Dr. White; I will not forget this for you."

Mr. LAMBERT. Do you recall now any instance where Dr. White neglected his duty?

Miss FAHEY. No, sir; I can not.

Mr. LAMBERT. Nor either of the girls referred to?

Miss FAHEY. No, sir.

TESTIMONY OF MRS. J. S. WALTERS.

Mrs. J. S. WALTERS, being duly sworn, testified as follows:

Mr. LAMBERT. You are acquainted with Dr. White?

Mrs. WALTERS. Yes, sir.

Mr. LAMBERT. Are you now in the employ of the Government at South Omaha?

Mrs. WALTERS. No, sir; I got my dismissal the 31st day of December, 1896.

Mr. LAMBERT. You were employed there while Dr. White was in charge?

Mrs. WALTERS. Yes, sir; since June 16, 1893.

Mr. LAMBERT. And after that time?

Mrs. WALTERS. Yes, sir.

Mr. LAMBERT. What time did you actually quit work in the department?

Mrs. WALTERS. We were furloughed, you know, right along; but in September I was married, and then I was dismissed.

Mr. LAMBERT. Was that September, 1896?

Mrs. WALTERS. No, 1895.

Mr. LAMBERT. So your other statement should have been December, 1895, instead of 1896.

Mrs. WALTERS. Yes, sir.

Mr. LAMBERT. I thought so. Then it was about a year before Dr. White was discharged that you quit work?

Mrs. WALTERS. Yes, sir; just about a year.

Mr. LAMBERT. But you did work there about two years while he was in charge?

Mrs. WALTERS. Yes, sir; I went in under Dr. Siggins. He was there only a short while when Dr. White came.

Mr. LAMBERT. While you were in the department what was your position; assistant microscopist?

Mrs. WALTERS. Yes, sir.

Mr. LAMBERT. Do you remember that Dr. White was late any morning?

Mrs. WALTERS. No, sir.

Mr. LAMBERT. Not a morning?

Mrs. WALTERS. No, sir.

Mr. LAMBERT. He was always present at the opening in the morning?

Mrs. WALTERS. Yes, sir; always present.

Mr. LAMBERT. The specimens were always properly distributed, so that you could go to work?

Mrs. WALTERS. Yes, sir.

Mr. LAMBERT. Do you remember whether he was absent during the day attending professional calls?

Mrs. WALTERS. No, sir; I remember that he once went to a picnic for a half day. I remember that because he wanted to go. It was a Sunday-school picnic, and we asked him in the morning if he was going, and he said, Yes, if he could he excused. So in the afternoon he must have been excused, because he went. That was the only time.

Mr. LAMBERT. That was in the summer of 1895?

Mrs. WALTERS. I could not be positive whether it was in 1895 or 1894.

Mr. LAMBERT. It might have been in 1894?

Mrs. WALTERS. Yes, sir; but I am not sure.

Mr. LAMBERT. Do you remember when your department went under the civil service?

Mrs. WALTERS. No, sir; I do not.

Mr. LAMBERT. Is that the only time you recall that Dr. White was absent?

Mrs. WALTERS. Yes, sir; the only time.

Mr. LAMBERT. You do not know of any instance where he neglected his duty in the department?

Mrs. WALTERS. Not one instance. He was always faithful, to my knowledge.

Mr. LAMBERT. Did he seem interested and active in the performance of the work?

Mrs. WALTERS. Yes, sir; he did. He was very much interested in the work. He took a great deal of interest in it.

Mr. LAMBERT. Are you acquainted with Miss Flynn and Miss Dalton?

Mrs. WALTERS. Yes. I worked right next to Miss Dalton.

Mr. LAMBERT. You know what kind of work they were doing?

Mrs. WALTERS. Yes, sir.

Mr. LAMBERT. And how they were doing the work?

Mrs. WALTERS. Yes, sir. Of course, I could not swear how they were doing it, but I really feel that they were doing it well. They were a little slow, but the work is such that it requires slowness. It can not be done fast. They were faithful to their work. They were slower than the other girls, but I really think they did their work well.

Mr. LAMBERT. As well as anybody in the department?

Mrs. WALTERS. Just as well as anybody in there, and better than some, because there were girls there who hurried through the work, and it can not be done well and done fast. These two girls and I worked very slowly. We were always last with our reports. It is work that requires slowness.

Mr. LAMBERT. You never heard any complaints made of them either by Dr. White or any of the assistants?

Mrs. WALTERS. No; the Doctor did not complain.

Mr. LAMBERT. Nor any of the assistants, except that they were slow?

Mrs. WALTERS. No, sir.

Mr. LAMBERT. You would have heard any public criticism made there if it had been made?

Mrs. WALTERS. I have often heard remarks made there about their being slow, but that is all.

Mr. LAMBERT. You would have heard, however, any complaint that was made?

Mrs. WALTERS. Yes, sir; because we were all there together.

TESTIMONY OF HOWARD MEYERS.

HOWARD MEYERS, being duly sworn, testified as follows:

Mr. LAMBERT. You are a resident of South Omaha?

Mr. MEYERS. Yes, sir.

Mr. LAMBERT. How long have you been such?

Mr. MEYERS. Ten years and more.

Mr. LAMBERT. What is your business in South Omaha?

Mr. MEYERS. I am a druggist.

Mr. LAMBERT. With reference to the situation of the Bureau of Animal Industry, where is your place of business located?

Mr. MEYERS. It is directly across the street.

Mr. LAMBERT. The Bureau of Animal Industry is located on the southeast corner of Twenty-sixth and N streets?

Mr. MEYERS. Yes, sir.

Mr. LAMBERT. Then your place of business is on the southwest corner of the same streets?

Mr. MEYERS. Yes, sir.

Mr. LAMBERT. How long have you known Dr. White?

Mr. MEYERS. In the neighborhood of four years or more.

Mr. LAMBERT. Ever since he took charge of the department?

Mr. MEYERS. Yes, sir; and some little time before.

Mr. LAMBERT. During this time did Dr. White have most of his prescriptions or all of them filled at your place of business?

Mr. MEYERS. The majority of them.

Mr. LAMBERT. During all this time you were in close business touch with what Dr. White was doing?

Mr. MEYERS. Yes, sir.

Mr. LAMBERT. State whether or not Dr. White had his telephone in your place of business or used your telephone.

Mr. MEYERS. He used my telephone all the time.

Mr. LAMBERT. All telephone calls were made through your telephone?

Mr. MEYERS. Yes, sir; through our telephone.

Mr. LAMBERT. State whether or not it was your custom to answer the telephone calls for Dr. White, more or less.

Mr. MEYERS. Yes, sir; always when I was present.

Mr. LAMBERT. State whether or not in answer to them you ever went up to the department to see Dr. White.

Mr. MEYERS. Occasionally; not often. His calls were left at the store, and when he came in at noon time, or whenever I happened to see him, I would tell him. He, of course, left instructions with me not to call him during business hours.

Mr. LAMBERT. Did you ever in any emergency or other case call him during office hours?

Mr. MEYERS. I do not now think of any. I do not remember any.

Mr. LAMBERT. You do not remember that he ever responded and went out during office hours?

Mr. MEYERS. No, sir.

Mr. LAMBERT. Do you remember whether or not he wrote any prescriptions during this time and sent them to you?

Mr. MEYERS. I could not say he did, because his calls were made at hours outside of the business hours during which he was employed in the department.

Mr. LAMBERT. You were in a situation to see Dr. White go to his place of business in the morning?

Mr. MEYERS. Yes, sir.

Mr. LAMBERT. And to observe him leave his place of business?

Mr. MEYERS. Yes, sir.

Mr. LAMBERT. Do you remember whether usually he was there promptly?

Mr. MEYERS. I paid no particular attention to his leaving, but I know he was always there, so far as I noticed, very promptly in the morning. Of course his time of leaving often happened when I was busy, and I did not notice when he left.

Mr. LAMBERT. State whether or not Dr. White left instructions with you for patients with reference to when he could see them.

Mr. MEYERS. He frequently did that. He spoke of it frequently.

Mr. LAMBERT. What were those instructions?

Mr. MEYERS. Not to call him during those hours, because he could not attend. He had his other duties to attend to, he said, and if there were any calls, to wait until he could attend to them after business hours.

Mr. LAMBERT. You so instructed the patients?

Mr. MEYERS. That was the understanding all the time during the period he was in the service of the department.

Mr. LAMBERT. You do not know anything about how the work was done in the department?

Mr. MEYERS. No, sir; I had no cognizance of that. Of course I was

upstairs very seldom and knew nothing in regard to it any more than simple hearsay.

Mr. LAMBERT. You may state whether or not, shortly after Dr. White and the others were discharged, you heard a conversation between Mrs Ida E. Bushnell and Miss Lulu Gibson in reference to his discharge?

Mr. MEYERS. The conversation took place in my store.

Mr. LAMBERT. You overheard the conversation?

Mr. MEYERS. I was talking with the ladies in question.

Mr. LAMBERT. The conversation was addressed to you?

Mr. MEYERS. Yes, sir.

Mr. LAMBERT. State to the committee just what you and also the above-named ladies said.

Mr. MEYERS. The conversation, of course, was in a general way, and the greater portion of it I probably do not remember at the present time. The part I particularly remember was in regard to the remark I made to the ladies. I asked both of them, or directed the question to both of them, if they really knew whether Dr. White had ever neglected his duties. "Has he not attended to his duties promptly and properly?" They both without hesitation said that he had. That was the principal question. There were other points of conversation, but that is what I remember.

Mr. LAMBERT. They both said he had attended to his duties?

Mr. MEYERS. Yes, sir. They told me so.

Mr. LAMBERT. Did they complain of any strictness of discipline or order?

Mr. MEYERS. They were speaking of different times when they ought to have had holidays. I think one Decoration Day was mentioned, and Mrs. Bushnell, if I remember rightly, spoke of it in particular. She said she had to work that day, and she objected to it.

Mr. LAMBERT. This conversation took place, of course, after the Doctor was discharged?

Mr. MEYERS. Yes, sir. I can not remember without referring to the data in regard to it, but probably two months or more after the Doctor was discharged.

Mr. LAMBERT. Do you remember when Ed Shelden was here the first time?

Mr. MEYERS. I remember his being here at one time, but whether or not it was the first time I can not say.

Mr. LAMBERT. Do you know whether this conversation was before or after he had been out here?

Mr. MEYERS. Just before. I should be quite certain it was, because I think the investigation, or partial investigation or whatever investigation it was, took place after this conversation.

Mr. LAMBERT. In the conversation which you then had with the ladies was anything said about politics in the department?

Mr. MEYERS. There was no particular mention made, as I remember; it was only in a general way.

Mr. LAMBERT. There was no complaint made by them of the Doctor supporting any particular ticket?

Mr. MEYERS. No; it was more a question of little details and minor complaints. Mrs. Bushnell was speaking of them. What they all were I can not now remember, but that of which I have spoken is one, and that seemed to be the most of the conversation. It was quite a little time. The ladies came over there, I think, in regard to a statement which had been written by some one and published in the local paper. She came over, Mrs. Bushnell said, to right herself in regard to the

position taken in the paper. Just what the article was I do not now remember, but that was the way they happened to come over. They came over and talked probably an hour or an hour and a half, probably longer; I could not say. It was quite a little time. We both expressed ourselves rather freely in regard to the matter. During the conversation I said I should like to see a full and free investigation, because I thought the Doctor had conducted himself properly and attended very closely to his duties. That was the way this question arose, which I asked them in regard to it, and the way they answered it.

Mr. LAMBERT. You think of nothing further to state?

Mr. MEYERS. Nothing special.

Mr. LAMBERT. You know nothing of Miss Flynn's or Miss Dalton's work?

Mr. MEYERS. No, sir.

Mr. LAMBERT. The ladies made no statement in that conversation about their work?

Mr. MEYERS. I do not remember any.

Mr. LAMBERT. Did Dr. White use your telephone during the whole of his term in the department?

Mr. MEYERS. So far as I know. My telephone number was printed on his prescription blank.

Mr. LAMBERT. And remained so?

Mr. MEYERS. Yes, sir; I have a blank which I can show at any time. We have them there. The telephone number was printed on the prescription blank. Of course he also had his house or residence number, but this was the store number.

Dr. WHITE. I should like to ask the witness if he ever knew of my going out to make calls during working hours?

Mr. MEYERS. No, sir; I do not; I never did. That was the full and distinct understanding, that he had his duties to perform, and that outside of that I was free to call him, but not during business hours. That was the understanding from the first that I was acquainted with the Doctor.

Dr. WHITE. Is there anybody else who knows as much about my business in South Omaha as you do?

Mr. MEYERS. No, sir; not so far as your practice is concerned.

Dr. WHITE. I mean my practice. Mr. Meyers had the blanks printed and he simply, as I understand it, took a copy of an old blank which he had printed for other physicians.

Mr. MEYERS. I should like to make a statement about that matter.

The CHAIRMAN. You may make any statement you wish.

Mr. MEYERS. The question arose, I think, at one time that the prescription blanks which the Doctor had used for several years stated that his office hours were from 1 to 3 o'clock. In fact, I think I have one of the blanks in my pocket—from 1 to 3 and from 6.30 to 8.30—which of course would lead anyone to believe that those constituted his office hours. I will state that that was simply my mistake, if there was any mistake, because I had the blanks printed for a doctor who had been doing business with me before Dr. White came to the office, and the blank was simply copied without any reference whatever to the business hours. I just had the names changed. I thought nothing of the business hours, and they were continued on the blank, which I have here, and you can see it if you wish to do so, if that has any bearing on the question.

TESTIMONY OF JOHN ZELLER.

JOHN ZELLER, being duly sworn, testified as follows:

The CHAIRMAN. Where do you reside?

Mr. ZELLER. 1923 South Tenth street, South Omaha.

The CHAIRMAN. What is your occupation?

Mr. ZELLER. I am a cooper.

The CHAIRMAN. Have you ever been employed as meat inspector?

Mr. ZELLER. I was appointed in the Bureau of Animal Industry as tagger.

The CHAIRMAN. When were you appointed?

Mr. ZELLER. April 13, 1893, as foreman of taggers, and I held that position until the 1st of January, 1893, when the said office was abolished. I was appointed as tagger the 27th of June to take effect on the 1st of July, 1893, and I held the position until December 15, 1894.

The CHAIRMAN. At what time was the position of tagger included within the classified service?

Mr. ZELLER. July 1, 1895. I was reinstated as tagger June 22, 1895, the appointment to take effect on the 27th of June. I held the position until November 15, 1896.

The CHAIRMAN. Why were you discharged at that time?

Mr. ZELLER. In the notice which I received from the Secretary, the reason assigned was that I neglected my duty.

The CHAIRMAN. Did he point out any particular wherein you had neglected your duty?

Mr. ZELLER. No, sir.

The CHAIRMAN. State to the committee whether or not you neglected your duty, as alleged by the Secretary.

Mr. ZELLER. At that time they did not have any evidence whatever showing wherein we neglected our duties, but the Secretary sent his agent out here to trump up charges against us. One of the charges is that I attended a political meeting April 11, 1896.

The CHAIRMAN. During office hours?

Mr. ZELLER. Yes, sir.

The CHAIRMAN. State the character of the duties you were required to perform.

Mr. ZELLER. They were different at different times. Most of the time I was employed in taking out samples and furnishing the microscopical department with them.

The CHAIRMAN. What did you do?

Mr. ZELLER. We cut them out of the carcass during the first year and a half I was employed there, and we brought them in the cases of which the doctor has spoken.

The CHAIRMAN. You cut the samples out of the carcasses and carried them over and delivered them to the department?

Mr. ZELLER. Yes, sir. Many times I went and got the reports after the doctor got through and went back and condemned the trichinæ numbered hogs. Then a great deal of the time the last time I was reinstated, I was tagging beef.

The CHAIRMAN. What do you mean by that statement?

Mr. ZELLER. After the beef was killed and hung up in the cooler the taggers were required to put four tags on each beef, one on each quarter, showing that it had been inspected.

The CHAIRMAN. Did Dr. White or Dr. Ayer or either one of them object to the manner in which you performed your duties?

Mr. ZELLER. Never.

The CHAIRMAN. Did anyone else?

Mr. ZELLER. No, sir. I should like to explain how I went to that meeting if it is proper for me to do so at this time.

The CHAIRMAN. We shall be glad to hear your explanation.

Mr. ZELLER. I got the usual notice from the chairman of the county central committee that there would be a meeting held April 11, 1896, and on or about the 9th of April I met James Sheean, who at the time was secretary of the State central committee of the Administration wing of the Democratic party in this State. He asked me to attend the meeting to be held on the following Saturday. He said he wanted the boys in South Omaha who were members of the committee to be at that meeting. I told him I did not know whether we could get away from our work, as Saturday was generally a busy day for us. He said that that would be all right; that he would see Mr. McHugh and have him see Dr. Ayer and let us off on that day. Then he told me about the plan he had to carry out at the committee meeting. He said he did not think it wise to have primaries to elect delegates. He said it would cost a good deal of money and cause a hard fight, and would perhaps widen the breach in the Democratic party in this county. He explained the plan he had, of which he was in favor, for the committee to select the delegates both to the Administration convention and what was called the Free-Silver Democratic convention. I told him that if I attended the meeting I should vote to carry out his proposition, and he said that was all he wanted. He said this would be the last time the boys would be called upon; that the national convention would settle which faction was right or wrong in this State, and that is all he cared for at that time.

The CHAIRMAN. You spoke of being absent at the time you were required to perform your duties. Was anyone there to take charge of your work?

Mr. ZELLER. I was going to come to that. I will state how I got excused.

The CHAIRMAN. Very well.

Mr. ZELLER. On April 11, 1896, at about ten or fifteen minutes after 12 I left the packing house to go up town to get a shave. On my way up the street I met Dr. Ayer, and he asked me if we had very much to do that afternoon. I told him "No, not much; I think we will be through by 2 or 3 o'clock." He said, "They want you up at that meeting this afternoon." I told him that I thought we would be through in time to go to the meeting, as I thought we would get through by 2 or 3 o'clock, and the meeting was not to be held until 3 o'clock. I thought we would be through with our work before it would be necessary to go up to the meeting. He said it was very important. He said, "You had better leave early; be on the ground early and do what you can to capture the convention." I told him, "Well, I don't think it will be necessary to go until 2 o'clock anyway, and what few there are left Tony (that is another tagger who worked with us) could finish up." He said, "Well, I will attend to that. I will have the boys from abattoir 5 go over and finish your work." I left him then and went up and got shaved and went back to the abattoir and worked until 2 o'clock; made out my report, and with Peter W. Sherlock and Joseph Butler, two taggers with whom I worked, went up and reported, and went up town.

The CHAIRMAN. What is the politics of the individual to whom you refer?

Mr. ZELLER. Which individual?

The CHAIRMAN. James B. Sheean.

Mr. ZELLER. He was secretary to the State central committee of the Administration wing of the Democratic party.

Mr. LAMBERT. This was in April, 1896?

Mr. ZELLER. April 11, 1896.

Mr. LAMBERT. You say you were in attendance at abattoir 5?

Mr. ZELLER. Abattoir 14.

Mr. LAMBERT. Do you know whether any other parties at different abattoirs were also excused that day?

Mr. ZELLER. I do.

Mr. LAMBERT. Do you know how many were excused?

Mr. ZELLER. Six, including myself.

Mr. LAMBERT. Were they excused by Dr. Don C. Ayer, in charge?

Mr. ZELLER. I can not say how the balance came to be at the meeting. I was told to go by the doctor.

Mr. LAMBERT. By the doctor?

Mr. ZELLER. Yes, sir.

Mr. LAMBERT. And by him excused?

Mr. ZELLER. Yes, sir.

Mr. LAMBERT. Do you know whether anybody else had any authority to excuse them from their work?

Mr. ZELLER. I do not think there was anyone else who had the power to excuse anyone.

Mr. LAMBERT. Do you know whether a substitute was placed in any of the abattoirs to do the work?

Mr. ZELLER. I know I met Mr. Murphy that evening, one of the taggers at abattoir 5, and he told me he had been over to our house and met Dr. Schirmer who had charge of the house, who told him that the work was done, and they were not needed. He and two other taggers went over to do our work.

Mr. LAMBERT. Were the others whom you have mentioned absent as long as you were?

Mr. ZELLER. When I came up town they were at the meeting. I do not know whether they left much before I did.

Mr. LAMBERT. Can you name any of those absent?

Mr. ZELLER. Joseph Butler and Peter Sherlock, who went up with me; Frank Patrick, in the yard; W. K. Jacobs, Philip Smith, abattoir 19.

Mr. LAMBERT. Were they committeemen?

Mr. ZELLER. All except Mr. Sherlock.

Mr. LAMBERT. Do you know anything that was said by Dr. Ayer or Mr. Martin?

Mr. ZELLER. No; I do not.

Mr. LAMBERT. You have told all you know about the meeting on the 11th of April?

Mr. ZELLER. Yes, sir.

Mr. LAMBERT. How long had you at that time worked in South Omaha?

Mr. ZELLER. About three years. It was about ten months the last time.

Mr. LAMBERT. Had you ever before been excused for political purposes?

Mr. ZELLER. Yes, sir.

Mr. LAMBERT. When before?

Mr. ZELLER. On election day. You mean during the existence of the civil service, I believe?

Mr. LAMBERT. Yes.

Mr. ZELLER. On election day, 1895.

Mr. LAMBERT. Who excused you?

Mr. ZELLER. Charlie Conoyer, one of the clerks in the bureau there.

Mr. LAMBERT. Ayer's clerk?

Mr. ZELLER. Yes, sir.

The CHAIRMAN. For what purpose did he excuse you?

Mr. ZELLER. To act as challenger in the precinct in which I lived.

The CHAIRMAN. On behalf of whom?

Mr. ZELLER. The Citizens' ticket. There was a Citizens' ticket at that time.

Mr. LAMBERT. Did you receive any instructions from him other than what you have stated?

Mr. ZELLER. Only in a general way. It was generally understood with James B. Sheean, W. D. McHugh, and Euclid Martin that we were to be there that day, and it would be all right for me to lay off the next day.

Mr. LAMBERT. Who is W. D. McHugh?

Mr. ZELLER. He is a lawyer in this city who was recently appointed United States district judge. He is a very close friend of Secretary Morton, and had practically all the appointments in South Omaha.

Mr. LAMBERT. Do you know whether or not Don C. Ayer and McHugh and Sheean and Martin communicated with each other with reference to what you were to do, etc.?

Mr. ZELLER. I do not know specifically, but Mr. Sheean and Mr. McHugh told me many times when we were called out that they would see the doctor and get us off whenever they wanted us.

Mr. LAMBERT. Meaning Dr. Ayer?

Mr. ZELLER. Yes; Dr. Ayer.

Mr. LAMBERT. Have you since participated in any other matters of a political nature?

Mr. ZELLER. Quite frequently before the civil service went into effect.

Mr. LAMBERT. Did you do so by direction or at the request of any of the parties you have named?

Mr. ZELLER. I do not understand the question.

Mr. LAMBERT. Did you do it at the request of Ayer or any of the others, McHugh, Sheean, or Martin?

Mr. ZELLER. Yes, sir.

Mr. LAMBERT. Whenever you participated it was at the request of some one of them?

Mr. ZELLER. Yes, sir.

Mr. LAMBERT. And in behalf of the party which they represented?

Mr. ZELLER. Yes, sir.

Mr. LAMBERT. Do you know whether the others who were excused at different times were also detailed to do the same kind of work?

Mr. ZELLER. In talking to me about it they would always tell me the boys they wanted and they mentioned the names. In that way I suppose they communicated with them the same as they did with me.

Mr. LAMBERT. At the time you were absent, was your pay deducted?

Mr. ZELLER. No, sir; it was not.

Mr. LAMBERT. You drew full pay?

Mr. ZELLER. Yes, sir.

Mr. LAMBERT. Without question?

Mr. ZELLER. Yes, sir.

Mr. LAMBERT. Do you know whether there was a record of your excuse?

Mr. ZELLER. I do not.

Mr. LAMBERT. Were you ever detailed to do political work other than that you have mentioned?

Mr. ZELLER. I was not.

Mr. LAMBERT. Were you ever requested to do political work other than that you have mentioned?

Mr. ZELLER. No, sir.

Mr. LAMBERT. Did you have a rating of the taggers, the stock examiners, and so forth; what is called a rating?

Mr. ZELLER. I think there was a rating after we were discharged.

Mr. LAMBERT. Ordinarily, after you went there, was it the custom to prepare a rating or grading?

Mr. ZELLER. It was not.

Mr. LAMBERT. You say they did, as a matter of fact, since your discharge, prepare a rating?

Mr. ZELLER. Yes, sir.

Mr. LAMBERT. Did you ever see the rating?

Mr. ZELLER. I saw it at the last investigation.

Mr. LAMBERT. Do you know what was your position in the rating?

Mr. ZELLER. My name was not there at all.

Mr. LAMBERT. Yours did not come in?

Mr. ZELLER. No, sir; they took the rating after we were discharged.

Mr. LAMBERT. Do you know whether or not your name appeared?

Mr. ZELLER. It did not appear.

Mr. LAMBERT. It was not the custom to make any rating?

Mr. ZELLER. Not prior to that time.

Mr. LAMBERT. Was Dr. Don C. Ayer in a position so that he might properly grade or rate you?

Mr. ZELLER. I do not think so.

Mr. LAMBERT. Did he know specifically the kind of work you were doing?

Mr. ZELLER. He knew the kind of work, but he would not see us once a week, perhaps.

Mr. LAMBERT. Did he ever rate you or criticise the work?

Mr. ZELLER. Never.

Mr. LAMBERT. Was it any part of his duty to do so?

Mr. ZELLER. I presume it was. If anything was wrong, I presume he had the right to criticise.

Mr. LAMBERT. Did he do so?

Mr. ZELLER. Each house had its chief to look after the house, and of course it depended upon him to look after the work in the house.

Mr. LAMBERT. He was the only one really cognizant of the work you were doing?

Mr. ZELLER. Yes; the one stationed at the house.

Mr. LAMBERT. And any rating made by any person other than that chief would not be reliable?

Mr. ZELLER. I should not think so.

Mr. LAMBERT. No one else was in a position to know?

Mr. ZELLER. No, sir.

Mr. LAMBERT. What applies to you applies likewise to all who were discharged at that time?

Mr. ZELLER. Yes.

Mr. LAMBERT. You heard the testimony of some of the other witnesses here?

Mr. ZELLER. I heard all except Miss Fahey and Miss Hogan.

Mr. LAMBERT. You heard the testimony with respect to the conversation between Dr. White and Mrs. Bushnell in the department?

Mr. ZELLER. Yes, sir; I did.

Mr. LAMBERT. That was on election day?

Mr. ZELLER. Yes, sir.

Mr. LAMBERT. Did you hear the conversation to which they have testified?

Mr. ZELLER. I heard part of it.

Mr. LAMBERT. State to the committee just what you heard of that conversation.

Mr. ZELLER. I left the abattoir that day about half-past 11. They did not kill that day. Only a few sheep had to be tagged. After I got through with those I went up and reported, and it was raining outside, and I went upstairs a while to talk to Dr. White. As I was leaving Dr. White asked me whether I had read about John P. Irish and his train, where they had killed a man the day before. "Oh," he said, "I wonder how John P. Irish and his crowd feel after running over that man yesterday afternoon." I said: "Oh, I do not suppose they care much; they have no feeling." Just then Mrs. Bushnell jumped up and took a step or two toward Dr. White. She said: "I want you to understand I had a brother on that train. That is getting pretty close to home." Just then I walked out, and I do not know what else occurred.

Mr. LAMBERT. Had you been up in the department frequently before that time?

Mr. ZELLER. Quite frequently.

Mr. LAMBERT. Did you ever discuss politics during working hours?

Mr. ZELLER. I never discussed politics. We discussed politics once in a while; talked about it in a general way.

Mr. LAMBERT. During working hours?

Mr. ZELLER. During the recess. I remember when Bourke Cockran was here. Of course we spoke about that the next morning or at noon, whenever it was. We spoke about the shameful way they treated the Secretary in hissing him. We talked about politics in that way.

Mr. LAMBERT. Did you ever state your politics to Dr. Ayer?

Mr. ZELLER. No; but then I suppose he knew.

Mr. LAMBERT. Did you ever express yourself politically before him?

Mr. ZELLER. No.

Mr. LAMBERT. You never heard him express himself?

Mr. ZELLER. No.

Mr. LAMBERT. You never heard him express himself in reference to Dr. White, or any of the discharged people?

Mr. ZELLER. No, sir. I saw very little of Dr. Ayer during the last time I was down there.

Mr. LAMBERT. Were you called on when Shelden was here to make a statement in your own behalf or on behalf of any of the parties discharged?

Mr. ZELLER. No, sir.

Mr. LAMBERT. Did you know he was here for that purpose?

Mr. ZELLER. No, sir; not until the time he left.

Mr. LAMBERT. Did he talk to you, or did anyone for him ever talk to you about the matter?

Mr. ZELLER. No, sir.

Mr. LAMBERT. Where is abattoir 14?

Mr. ZELLER. It is about three blocks from the microscopical department. It is a little southeast of the Delmonico House.

Mr. LAMBERT. What packing house?

Mr. ZELLER. The Hammond packing house, in South Omaha.

Mr. LAMBERT. How long had you been at abattoir 14 before they discharged you?

Mr. ZELLER. I began work there the 1st of July, 1895, and worked there continually until I was discharged.

Mr. LAMBERT. As tagger?

Mr. ZELLER. As tagger.

Mr. LAMBERT. Did you ever have any complaints of any sort made against you, either from the packing house or from any of the officers of the bureau?

Mr. ZELLER. No, sir.

Mr. LAMBERT. If you had been inefficient or neglectful in the discharge of your duties was there anyone to complain?

Mr. ZELLER. The doctor in charge of the house was in a position to complain.

Mr. LAMBERT. He would have known it?

Mr. ZELLER. Yes, sir.

Mr. LAMBERT. Would the house also have known it?

Mr. ZELLER. The house also would have known it. If any quarter had gone out that was not tagged we would have soon heard about it.

Mr. LAMBERT. You know of no reason at all for, and you know of no act of yours which would warrant, your discharge on the ground of neglect of duty.

Mr. ZELLER. None whatever.

Mr. LAMBERT. You were always prompt?

Mr. ZELLER. Yes, sir.

Mr. LAMBERT. And remained, throughout, so?

Mr. ZELLER. Yes, sir.

Mr. WILLIAM HOLMES. May I be permitted to ask a question?

The CHAIRMAN. Certainly.

Mr. HOLMES. I will ask you whether in the performance of your duties you met frequently Messrs. George Seay and William Holmes, at that time two employees of the Bureau of Animal Industry?

Mr. ZELLER. I did.

Mr. HOLMES. How frequently during that time would you meet those two parties?

Mr. ZELLER. I would see George Seay every day and William Holmes I would see nearly every day.

Mr. HOLMES. I want to ask you if you ever heard any complaint about the manner in which George Seay and William Holmes performed their duties?

Mr. ZELLER. I never heard any complaint whatever.

Mr. HOLMES. I will ask you if you ever heard any remarks made by the chief in charge of abattoir 14 at that time; whether that chief at that time, or around about that time, ever made any remark about the manner in which they did their work; whether it was satisfactory?

Mr. ZELLER. Only in a general way. He always spoke very highly of Mr. Seay and Mr. Holmes.

TESTIMONY OF DR. WILLIAM S. WHITE, RECALLED.

Dr. WILLIAM S. WHITE, being recalled, testified as follows:

Mr. LAMBERT. Are you acquainted with John Zeller, who was discharged at or about the time you were, for alleged neglect of duty?

Dr. WHITE. Yes, sir.

Mr. LAMBERT. Were you in a position to know the character of the work which Zeller was doing at that time?

Dr. WHITE. I know that what work he did while connected with my department was done well and thoroughly.

Mr. LAMBERT. Just what was the work connected with your department?

Dr. WHITE. Bringing over samples to me and coming and getting the trichinæ numbers and reporting them back to the houses.

Mr. LAMBERT. I will ask you to state whether or not Secretary Morton or any one in charge of the Bureau of Animal Industry at South Omaha requested information regarding Zeller and others there?

Dr. WHITE. They did.

Mr. LAMBERT. I will ask you to state whether or not you have the request in your possession?

Dr. WHITE. I have.

Mr. LAMBERT. State whether or not you responded to the request.

Dr. WHITE. I did; to both of them.

Mr. LAMBERT. How long was it after the letters of inquiry until you responded?

Dr. WHITE. They were answered, I suppose, the same day I got the letters from them. I think I did, at least.

Mr. LAMBERT. Do you remember what date it was?

Dr. WHITE. Sometime in 1894; I think in November, if I remember rightly.

The CHAIRMAN. What had you written to the Secretary before he responded?

Dr. WHITE. He wrote me about these men. He probably had heard something. I told him that I knew nothing about anyone except Mr. Zeller and Mr. Harper. I spoke very highly of Mr. Zeller; said he was for free coinage, but outside of that he was a very fine officer; that he did his work well. Then he asked again for further information in regard to them, where he said:

"To make it effective, it ought to be in perfect accord with the rules, regulations, principles, and policies of its superior officers."

He also said:

"We can probably secure men who are in perfect agreement and who will do their work just as well as they do."

He asked about these two men—Harper and Zeller. The whole letter is as follows:

UNITED STATES DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington D. C., Nov. 30, 1894.

Dr. W. S. WHITE,
Microscopic Division, Bureau of Animal Industry,
South Omaha, Nebr.

DEAR DOCTOR: I have your letter of the 27th instant, and desire you to inform me more fully as to Harper and Zeller? We can probably secure men who are in perfect agreement and who will do their work just as well as they do. It is important that the character of the service be unimpeachable in every respect. To make it effective it ought to be in perfect accord with the rules, regulations, principles, and policies of its superior officers.

Yours, respectfully, J. STERLING MORTON.

Mr. LAMBERT. Did you respond to that letter?

Dr. WHITE. I did.

Mr. LAMBERT. Do you recall at this time, in a general way, what you stated to the Secretary?

Dr. WHITE. I still spoke very highly of Mr. Zeller as an officer. It was reported that he was one of the most faithful men on the force.

Mr. LAMBERT. Did you ever hear Dr. Ayer speak of Mr. Zeller?

Dr. WHITE. I did, no longer ago than last July. I can not give the exact date.

Mr. LAMBERT. What did he say at that time?

Dr. WHITE. He said he considered Mr. Zeller one of the most faithful men on the force.

Mr. LAMBERT. Did you hear him make any statements with reference either to Mr. Holmes or Mr. Seay, or any of the others?

Dr. WHITE. No, sir.

Mr. LAMBERT. Did you ever furnish any information in respect to any of the discharged persons?

Dr. WHITE. No, sir; I did not.

Mr. LAMBERT. That is all you have to say?

Dr. WHITE. That is all.

TESTIMONY OF HENRY BEAL.

HENRY BEAL, being duly sworn, testified as follows:

Mr. LAMBERT. You reside in South Omaha?

Mr. BEAL. Yes, sir.

Mr. LAMBERT. Are you one of the parties who were discharged by Secretary Morton some time in November, 1896?

Mr. BEAL. December, 1896.

Mr. LAMBERT. I will ask you to state whether or not you made an affidavit for Mr. Edward Shelden some time after the discharges?

Mr. BEAL. Yes, sir.

Mr. LAMBERT. I will ask you if the affidavit which you made is the affidavit appearing on page 12 of Senate Document 155, Fifty-fourth Congress, second session. Look at the affidavit and state whether or not it is your affidavit.

Mr. BEAL (after examining the affidavit). Yes, sir; it is.

Mr. LAMBERT. Where was the affidavit made?

Mr. BEAL. It was made in Dr. Ayer's office, at the Government headquarters.

Mr. LAMBERT. Who, besides yourself and the notary public, Mr. Moriarity, were present?

Mr. BEAL. Mr. Moriarity was not present; Dr. Ayer and Mr. Shelden were.

Mr. LAMBERT. Will you state in detail to the committee just how you came to make the affidavit; what was said to you by Mr. Ayer and Mr. Shelden?

Mr. BEAL. I heard that Mr. Shelden was there, and I went up there. I wanted to find out why I was let out. I told Mr. Shelden that I had heard through Conoyer that I was let out because I owed some money; because I was in debt. I told him I was in poor circumstances; that I had some sickness in the family; that my wife had been confined, and so on. Mr. Shelden said he would try to do all he could to have me reinstated, because he thought there was nothing against me. He said, however, that the workings of the Government were very slow, and that I had better go and try to do something else; that the new Administration would soon take hold and then he could not do anything. He asked me who my family physician was, and I told him Dr. White. He wanted to know if I would make an affidavit to that effect, and I told

him I would just as soon. He made out the affidavit—that is, he asked me questions as to the case of confinement and other cases; and I made a statement. After he had the affidavit made out I read it over, and in the affidavit he put down that Dr. White would call at my house at any hour during the day or night. I told him I could not very well sign that, because it happened some time before that a son of mine stepped on a piece of glass and I was afraid he would get lockjaw, and I went up and saw Dr. White to see if he could call at the house. He told me he could not very well; that he was on duty or busy, but if I would bring the boy up during the noon hour he would attend to him. So he struck that out and made another affidavit and I signed it.

Mr. LAMBERT. The first affidavit which he prepared was to the effect that Dr. White would respond to any call, whether during the day or night?

Mr. BEAL. Yes, sir.

Mr. LAMBERT. Did he write that out before he asked you whether or not it was true?

Mr. BEAL. He never put that question to me.

Mr. LAMBERT. He wrote it in the body of the affidavit without asking you whether or not it was true?

Mr. BEAL. Yes, sir.

Mr. LAMBERT. And asked you to sign it, and when you read it over you objected to that part of the affidavit?

Mr. BEAL. He did not ask me to sign it. I looked it over. He had it written out in typewriting afterwards. I looked it over. Before signing anything of the kind I generally look it over; and I refused to sign it.

Mr. LAMBERT. Was it extended in typewritten form?

Mr. BEAL. Not that one; it was changed, and then put in typewritten form. Dr. Ayer went downstairs to a notary public and had me swear to it.

Mr. LAMBERT. Were there any statements made to you by either of the parties at the time as to the purpose of the affidavit?

Mr. BEAL. No; Dr. Ayer told me going downstairs that there was absolutely nothing against me, and if I would call around at any time after the thing had blown over he would show me his books and show me that he had given me a good standing; that it was not his fault that I had been let out.

Mr. LAMBERT. He did not say whose fault it was?

Mr. BEAL. He said he did not know.

Mr. LAMBERT. Do you know who reported you, if anyone did?

Mr. BEAL. No, sir.

Mr. LAMBERT. What was your position there?

Mr. BEAL. I was appointed first as tagger and then promoted to stock inspector. When I was let out, I was in charge of an abattoir.

Mr. LAMBERT. What abattoir?

Mr. BEAL. Twenty-nine.

Mr. LAMBERT. How long had you been in the employ of the Government?

Mr. BEAL. I was appointed in May or June, 1893.

Mr. LAMBERT. Did you ever hear any political conversation in Ayer's office or in the microscopical department?

Mr. BEAL. No, sir; I never stopped there long.

Mr. LAMBERT. Did you have any conversation with either Dr. Ayer, James B. Sheean, W. D. McHugh, or Euclid Martin during the 1896 campaign with reference to politics?

Mr. BEAL. Euclid Martin wrote me a note to call at his office, and he asked me if I was much of a silver man—a free-silver man. He expected me to do something for their ticket—that is the way he told me—although if I was very much of a silver man he would not ask it. I told him I was not a free-silver man, but that I admired Mr. Bryan's speeches against the corporations. Then he said to me I should remember that they—that is, the committee—had six months more control, and that they would remember what I would do during the campaign.

Mr. LAMBERT. What did he mean when he asked you to do work for his ticket? Which ticket was that?

Mr. BEAL. He said for me to work on the quiet for his ticket. I could not really say what he did mean. I guess I made a bargain with him. I said I would. I did. I suppose he meant the Palmer and Buckner ticket. He did not express it. He was busy and he did not go into any details. That is about the conversation I had with him. He said personally he was himself a great admirer of Mr. Bryan, but that he did not believe in his free-silver ideas, and I told him I did not, and so far as that was concerned that I would agree to do what he asked me to do.

Mr. LAMBERT. What did he mean when he said, "We have six more months, and will remember your work in the matter?"

Mr. BEAL. He was the man who got me appointed and promoted.

Mr. LAMBERT. Did you understand that he meant the Cleveland Administration?

Mr. BEAL. Yes, sir.

Mr. LAMBERT. It had six months more to live?

Mr. BEAL. Yes, sir; as I understood it, that he had six months' more control over there, and that he could either let me out or keep me in.

Mr. LAMBERT. Did he tell you what kind of work he expected you to do?

Mr. BEAL. Only to work on the quiet for the third ticket.

Mr. LAMBERT. You were then stock examiner?

Mr. BEAL. I was then in charge of the abattoir.

Mr. LAMBERT. You were in charge of the abattoir?

Mr. BEAL. Yes, sir; doing inspector's work.

Mr. LAMBERT. Prior to that time had he ever asked you to participate in politics?

Mr. BEAL. Not Euclid Martin.

Mr. LAMBERT. Had anyone ever asked you—I mean, of course, during the term of your service for the Government?

Mr. BEAL. I think not.

Mr. LAMBERT. Had you ever been excused by anyone to do political work?

Mr. BEAL. No, sir.

Mr. LAMBERT. Had you ever asked to be excused?

Mr. BEAL. No, sir.

Mr. LAMBERT. You were situated at what abattoir?

Mr. BEAL. When I was let out?

Mr. LAMBERT. Yes.

Mr. BEAL. No. 29.

Mr. LAMBERT. Where is that?

Mr. BEAL. The Omaha packing house.

Mr. LAMBERT. How long had you been there?

Mr. BEAL. About seven months, I think.

Mr. LAMBERT. Had you ever had any complaint lodged against you while you were in the discharge of your duties at that abattoir?

Mr. BEAL. No, sir. I do not quite understand that question, however.

Mr. LAMBERT. Was any complaint of any kind made against you by the packing house or by anyone else?

Mr. BEAL. Yes. The superintendent of the packing house once complained to Mr. Ayer that I was too strict.

Mr. LAMBERT. That you were too strict?

Mr. BEAL. Yes; but he had the privilege of calling Dr. Ayer on everything I condemned, and Dr. Ayer always sustained me.

Mr. LAMBERT. Did you ever have any conversation with Dr. Ayer regarding your work?

Mr. BEAL. Only the day when I signed the affidavit about Dr. White. He told me that he had given me a good rating; that he would show me his books to that effect; that he had never had any fault to find with me.

Mr. LAMBERT. Was there anyone who inspected your work and passed judgment on it or criticised it?

Mr. BEAL. I do not understand the question.

Mr. LAMBERT. You were immediately under Dr. Ayer?

Mr. BEAL. Yes, sir.

Mr. LAMBERT. Did Dr. Ayer ever come over to your abattoir and examine the work being done there?

Mr. BEAL. Yes, sir.

Mr. LAMBERT. Was he in a position to grade you and classify you?

Mr. BEAL. I was immediately under Dr. Ayer, and Dr. Ayer took all the credit for the work I did.

Mr. LAMBERT. Was he in a position so that he could tell whether or not you did the work properly, unless someone complained to him?

Mr. BEAL. Yes, sir; he would know in a general way. He would come around every day, but he would hardly come up to see me. He would stand there an hour or two on the platform and talk to Mr. Schibsby, the man who has my position now. He did not come up, because he knew I attended to my work.

Mr. LAMBERT. He did not inquire into your work?

Mr. BEAL. When he came up he would simply walk by.

Mr. LAMBERT. Had you ever before been graded or classified that you know of?

Mr. BEAL. No, sir; only when this investigation was going on.

Mr. LAMBERT. Had you ever assisted or aided in the classification or grading of such people?

Mr. BEAL. No, sir.

Mr. LAMBERT. Did you ever have any set of gradings?

Mr. BEAL. No, sir; I never knew anything about them.

Mr. LAMBERT. The grading which was made after you were discharged was the first known while you were connected with the Government?

Mr. BEAL. Yes, sir.

Mr. LAMBERT. Do you know how it happened to be made, or how it was made up?

Mr. BEAL. Personally I do not know anything about it. I know only from hearsay.

Mr. LAMBERT. You do not know who made it, or what authority made it?

Mr. BEAL. Only from hearsay.

Mr. LAMBERT. It had never been done before? Do you know your standing on that record of gradings?

Mr. BEAL. In the investigation?

Mr. LAMBERT. Yes; do you know what basis it was graded on—100?

Mr. BEAL. Yes; it was made on the basis of 100, and mine was only 50.

Mr. LAMBERT. Fifty out of 100?

Mr. BEAL. Yes, sir.

Mr. LAMBERT. You never had any complaint from anyone about your work, except that you were too strict?

Mr. BEAL. I did not have any complaint of that kind, except the superintendent asked me a couple of different times if I did not think certain meat could be cut up and used. I told him so far as I was concerned I would leave it to Dr. Ayer; to let the hog that was condemned hang, and let Dr. Ayer look at it the next day and pass judgment on it.

Mr. LAMBERT. Were you engaged in post-mortem or ante-mortem examinations?

Mr. BEAL. Both. I had to do the post-mortem and the ante-mortem examination of hogs and cattle. The tagger assisted some with cattle, if I was on the hog floor.

Mr. LAMBERT. In each instance when you condemned a carcass and it was referred to Dr. Ayer, he sustained the position you had taken in the matter?

Mr. BEAL. In each and every instance, although at one time it seems that the inspectors in the yard passed a cow that had recently had a calf and the calf died. They drove the cow down there to the yard. It was on Saturday night. It was a very wild animal and they could not milk it. It was in perfectly healthy condition. I permitted them to kill it when it really ought to have stood a certain length of time. Dr. Ayer said I did right, but not to do it again without his permission.

Mr. LAMBERT. That is the only time an exception was taken to the way in which you did your work?

Mr. BEAL. Yes, sir.

Mr. LAMBERT. You were promoted from tagger to stock inspector?

Mr. BEAL. I was promoted from tagger to stock examiner.

Dr. WHITE. Did I ever visit your house during working hours when I was working in the microscopical office?

Mr. BEAL. No, sir.

Dr. WHITE. What time was your wife sick when I attended her?

Mr. BEAL. It was in the middle of the night.

Mr. LAMBERT. How long have you been engaged in the work of examining meats?

Mr. BEAL. Somewhat over twenty years.

Mr. LAMBERT. Have you been constantly so engaged?

Mr. BEAL. Yes, sir; and in the wholesale meat business.

Mr. LAMBERT. Do you know how long Dr. Ayer has been engaged in such work, if at all?

Mr. BEAL. No, sir; I do not.

Mr. LAMBERT. Do you know anything about his qualifications and competency to pass upon a post-mortem or ante-mortem examination, especially in hogs?

Mr. BEAL. I do not know, but at one time we had a lot of sheep in the yard. I was immediately under Dr. Everett. He wanted to condemn the sheep on account of their being scabby. The sheep had had the scab, but the scab was cured, and I told him I thought we had better not do that; it would put us to a great deal of trouble. The sheep were all right, if they could go out to grass. I said they were very thin, but that they would come out all right; that I had handled thousands of such sheep. He insisted on condemning them. Dr. Ayer

happened to come along. I called him. I said, "Dr. Everett is going to condemn these sheep, and I do not think he ought to do so, because the scab is cured, and if the sheep could go out on grass they will make good mutton." He talked very insultingly to me. He said for me to do what Dr. Everett told me. He did condemn the sheep then, but they were released—that is, the parties who had the sheep made a complaint, and it was referred to Washington, and the tags were taken off. The sheep were sent off and came back fat three months afterwards.

Mr. LAMBERT. They were not dipped, as they call it?

Mr. BEAL. No, sir; there was no dipping whatever. The scab was cured before they came to the yard. I thought in that case he did not know much about his business. Otherwise I do not know anything about his qualifications. Then another time we had instructions to condemn pregnant sows. We got to overdoing it. They got to condemning a great many that were not pregnant. They got to complaining all over the State, but Dr. Everett seemed to stick to it. I went to Dr. Ayer to know if there were any new instructions from Washington. The first instructions were sent to me, because when the inspection in the stock yards first started I was then a tagger, and they had no stock examiners. Dr. Blackwell was chief, and as I knew something about the stock business, he asked me if I would go down and take charge of it. Mr. Campbell and I had charge there for two months before there were any stock examiners here. Then finally, when the inspector was appointed, he came and took charge of it. In fact, he got to overdoing it. The superintendent of the stock yards placed a man for a whole month at the place where the stock were killed, and found that 60 per cent of the animals condemned were not pregnant or diseased. I went to Dr. Ayer and said, "Are there any new instructions from Washington as to the limit in condemning?" He told me that was not for me to know; that I was to do what Everett told me.

Mr. LAMBERT. You think of nothing besides what you have already stated, either of a political nature or as to the inefficiency of the parties?

Mr. BEAL. No, sir.

Mr. LAMBERT. You stated, I believe, in your remarks just now, that you worked with Mr. Campbell?

Mr. BEAL. Mr. Campbell and I were there for the first two months when it was first inaugurated, before these inspectors—that is, the men who have diplomas—were appointed. Dr. Blackwell was chief at that time. Dr. Ayer was up at the Hammond house.

Mr. LAMBERT. Will you state the character of the work Mr. Campbell is qualified to do and did do?

Mr. BEAL. Mr. Campbell seemed to do his work in a satisfactory manner.

Mr. LAMBERT. Have you worked with him since that time?

Mr. BEAL. No, sir; I have not.

Mr. LAMBERT. You have not been in a position where you would know anything about his work?

Mr. BEAL. No; I am not in a position to know.

Mr. LAMBERT. Except what you would hear?

Mr. BEAL. That is all.

At 4 o'clock p. m. the subcommittee adjourned until to-morrow, Friday, October 22, 1897, at 10 o'clock a. m.

OMAHA, NEB., *October 22, 1897.*

The subcommittee met at 10 o'clock a. m., pursuant to adjournment.

I. J. Dunn, esq., appeared as counsel for Miss Mary Dalton, Miss Mary Flynn, Mr. John Zeller, Mr. William Holmes, and Mr. James Murphy.

TESTIMONY OF DR. DON C. AYER.

Dr. DON C. AYER was duly sworn.

The CHAIRMAN. At the request of Dr. White I have asked you to come before the committee and make a statement as to what you know with respect to the dismissal of the various parties whose testimony we have here.

Dr. AYER. They were dismissed by Mr. Morton for neglect of duty.

The CHAIRMAN. What is your present occupation?

Dr. AYER. I am inspector in charge of the meat inspection, Bureau of Animal Industry, South Omaha, Nebr.

The CHAIRMAN. How long have you been connected with the department?

Dr. AYER. Four years the 10th of August; over four years.

The CHAIRMAN. Give me the number of parties dismissed by you since you assumed control of the department?

Dr. AYER. There have been quite a number of dismissals and reinstatements. I could not give the dates of any of them or tell you the number, unless I went to my office and looked up all the records.

The CHAIRMAN. Will you please give me the causes for which the parties in question were removed?

Dr. AYER. There have been some removals since I have had charge for causes which I know not.

The CHAIRMAN. Please give us the names of the parties to whom you refer?

Dr. AYER. Those were the people removed about three years ago. I do not think it cuts any figure in this investigation.

The CHAIRMAN. I speak only of those who were removed since your department was placed under the civil service.

Dr. AYER. Dr. White, Mr. Holmes, Miss Dalton, and Miss Flynn.

The CHAIRMAN. Were any of them removed for offensive partisanship?

Dr. AYER. Not that I know of.

The CHAIRMAN. Why did the Department remove Miss Flynn?

Dr. AYER. I can not tell you.

The CHAIRMAN. Do you remember when your department was classified?

Dr. AYER. Two years the 1st of July, I think; somewhere about that time.

The CHAIRMAN. Have you been engaged in any political work since that date. If so, please state the character of it.

Dr. AYER. I am not a politician and do no political work.

The CHAIRMAN. You do none whatever?

Dr. AYER. None whatever. I never was a politician.

The CHAIRMAN. Have you had any instructions from Mr. Morton or anyone else to participate in the primaries or other political meetings?

Dr. AYER. No, sir.

The CHAIRMAN. Nothing of that kind?

Dr. AYER. No, sir.

The CHAIRMAN. How long have you known Dr. White?

Dr. AYER. Since my connection with the Bureau; four years and more.

The CHAIRMAN. Do you know his general character as a man?

Dr. AYER. Yes.

The CHAIRMAN. What is it?

Dr. AYER. All right, for anything I know.

The CHAIRMAN. Do you mean by that to say that it is good?

Dr. AYER. Yes; so far as I know.

The CHAIRMAN. Do you know anything as to his qualifications?

Dr. AYER. As a physician?

The CHAIRMAN. As a physician.

Dr. AYER. No, I do not. I never employed him.

The CHAIRMAN. Did you have occasion while he was employed in the department to examine his work so as to determine whether or not he is an efficient man?

Dr. AYER. Yes, sir; his work came before me every day.

The CHAIRMAN. What was the result of your examination?

Dr. AYER. In many cases and many times his reports were incorrect and had to be corrected. I sometimes forwarded them to the Bureau without giving them close enough examination, and got straightened up myself at times—several times. Finally we made the examination so close as not to be jacked up by the Department, and went through his reports very carefully. Many times they were incorrect then, and they were taken back to the Doctor for his correction, and he corrected them.

The CHAIRMAN. Were the mistakes of frequent occurrence?

Dr. AYER. They were.

The CHAIRMAN. If I understand you, then, your idea is that he was not competent to discharge the duties of the office which he held?

Dr. AYER. No, sir; I do not think he was.

The CHAIRMAN. How long did you serve with the Doctor? Were you there during his entire service?

Dr. AYER. He was there some little time before I was. I do not know just how long.

The CHAIRMAN. Did the grade of his work improve during his incumbency and while you were there?

Dr. AYER. I do not think there was ever much change in it.

The CHAIRMAN. Did you have occasion to examine the work of Miss Flynn?

Dr. AYER. Directly, no.

The CHAIRMAN. I do not understand the answer.

Dr. AYER. You asked me if I had occasion to examine Miss Flynn's work. Miss Flynn worked under Dr. White. It was his duty to examine the work there and then to send his work down to me. It was examined as a whole.

The CHAIRMAN. You know nothing as to her qualifications for the duties of the place?

Dr. AYER. No; I could not explain what I know, or what I think I know.

The CHAIRMAN. Sir?

Dr. AYER. I could not make an explanation. I will say "no" in regard to the lady.

The CHAIRMAN. We shall be glad to hear anything you may have to say about it. If you know anything, we should like to hear it and to know what it is. What is her general character?

Dr. AYER. Miss Flynn's?

The CHAIRMAN. Yes.

Dr. AYER. Good, so far as I know.

The CHAIRMAN. How long was she employed in the bureau?

Dr. AYER. I could not personally say just how long, but quite a considerable time.

The CHAIRMAN. Were any complaints against her lodged with you during her employment?

Dr. AYER. No; there would be no one to lodge them except Dr. White, and he never lodged any.

The CHAIRMAN. What became of the reports she made?

Dr. AYER. They were forwarded to Washington.

The CHAIRMAN. To Washington?

Dr. AYER. Yes, sir; to the Department.

The CHAIRMAN. Did they pass through your office?

Dr. AYER. They did.

The CHAIRMAN. Did you ever examine her reports?

Dr. AYER. I looked them over, the same as I did all others, in a casual way. They are so extensive that it is impossible for a man to examine minutely into everything each day.

The CHAIRMAN. How long have you known Miss Dalton?

Dr. AYER. About the same length of time that I have known Miss Flynn.

The CHAIRMAN. Do you know her general character?

Dr. AYER. I know nothing against it. I will tell you I do not live near enough to them——

The CHAIRMAN. You can state whether or not you know her character?

Dr. AYER. I do not know anything at all against the lady.

The CHAIRMAN. I do not like the statement to go into the record in that way.

Dr. AYER. Tell me how you want me to answer?

The CHAIRMAN. If you know her character, I desire that you shall say you do, and then I will ask what it is.

Dr. AYER. In a general way, yes.

The CHAIRMAN. The general character of an individual is the estimation in which he or she is held in the community by the citizens. Have you had occasion to examine her work?

Dr. AYER. No more than Miss Flynn's; in the same way.

The CHAIRMAN. You know nothing, then, as to her qualifications?

Dr. AYER. No; not that I could explain.

The CHAIRMAN. Do you know anything about the charges to the effect that Dr. White neglected his duty by practicing medicine while connected with the Department?

Dr. AYER. The doctor had a private office in the Government rooms there, and attended patients there, and went out with his grip to make calls whenever he was called. He did so many times to my knowledge, and many times he could have gone when I did not know it, because my time in the office is very short in the forepart of the day, and sometimes it requires nearly three-fourths of my day outside of the office. My work there is kept up by the clerks.

The CHAIRMAN. Did he make such calls during office hours?

Dr. AYER. He did; at any time. Whenever he got a call he went and attended to it, so far as I know.

The CHAIRMAN. Was it necessary for him to remain there all the while?

Dr. AYER. It was.

The CHAIRMAN. His duties were of such a character as to require his constant attendance?

Dr. AYER. His constant attention all the time. With the party who has the work now, I do not allow any work to be done in the office unless he is present in the room. I allow no microscopic work to be done unless the doctor is present in the room.

The CHAIRMAN. Are the duties performed by the young ladies in the presence of the doctor in charge?

Dr. AYER. Yes, sir; they are.

The CHAIRMAN. Do you know Mr. Holmes?

Dr. AYER. I do.

The CHAIRMAN. How long have you known him?

Dr. AYER. Four years and over.

The CHAIRMAN. Do you know his general character?

Dr. AYER. Yes.

The CHAIRMAN. What is it?

Dr. AYER. I have nothing to say in regard to it.

The CHAIRMAN. I beg pardon?

Dr. AYER. I do not wish to say what my impression is; I do not know what the general impression is.

The CHAIRMAN. If you know his general character, you will be required to answer the question.

Dr. AYER. I do not think it is very good.

The CHAIRMAN. How long have you known Mr. Zeller?

Dr. AYER. About the same length of time, I should think.

The CHAIRMAN. Do you know his general character?

Dr. AYER. Yes.

The CHAIRMAN. What is it?

Dr. AYER. I do not know anything against him.

The CHAIRMAN. Do you know Mr. Beal?

Dr. AYER. Yes, sir.

The CHAIRMAN. Do you know his character?

Dr. AYER. Yes.

The CHAIRMAN. What is it?

Dr. AYER. As far as I know it is all right.

The CHAIRMAN. Did you have occasion to examine the work of Mr. Holmes while he was employed there?

Dr. AYER. I had; many times.

The CHAIRMAN. Please state the result of your examinations.

Dr. AYER. I considered Mr. Holmes's work very poor, indeed.

The CHAIRMAN. I wish you would particularize and give us instances wherein he failed to discharge his duties?

Dr. AYER. I probably will have to make an explanation to show you.

The CHAIRMAN. I will be glad to hear any explanation you may wish to make.

Dr. AYER. The duty of Mr. Holmes, a great part of his time, was to attend post-mortem work on hogs. It is necessary for a man, in order to perform that work properly, to be in a position to see the viscera or internal organs, and also to see the internal walls, the abdominal and thoracic walls of each hog. For a man doing such work there is a place to stand where he can see all this. Mr. Holmes had been ordered to take that position. I found him many times out of it while the work was going on. I have told him to take his place and keep it, and many times afterwards I found him not doing duty that way. I found him sitting in a position so he could not possibly see anything but the backs

of the hogs as they passed; where he could not see the viscera; could not see the internal walls of the animals as they passed. A man to appreciate it would always have to see it. The animal might be diseased; it might be unfit for food, and without this close observation of the viscera, of the walls of the carcass, he could not tell whether or not it was sound. He was observing the backs of the hogs as they were passing eight or ten or twelve feet distant. It would be impossible to tell what kind of work was going on.

The CHAIRMAN. Do you know of any other instances wherein he neglected to perform his duty?

Dr. AYER. The rules require a man to be present at work at 8 o'clock in the morning, and as much earlier as it is necessary for a man to keep up with the work. Sometimes the packers see fit to start before 8 o'clock. If they should start before 8 o'clock he ought to be there at that time to be up with the start. Now, he has no business to leave there except by my permission until the close of the work, the close of the day. I have met Mr. Holmes repeatedly after he had reported in the morning for his work, and I have met him coming down from town on street cars. From the car I was going up on I have seen him on a car coming down a number of times. I had not excused him. I had not given him permission to go away. It was neglect of his duty to go. It was his business to get permission before he went, and to get it from me.

The CHAIRMAN. Were those occurrences frequent?

Dr. AYER. Quite frequent; they occurred a number of times.

The CHAIRMAN. Do you know of any other instance when he failed to do his duty?

Dr. AYER. The work I have described comprises a man's duty principally. There may have been times for a short period that he did other duties, but that was the principal work done by Mr. Holmes.

The CHAIRMAN. Did you have occasion to examine the work of Mr. Zeller during his incumbency?

Dr. AYER. Mr. Zeller served two terms. He was discharged and reinstated and discharged again. I do not think Mr. Zeller worked under my immediate supervison during the time he worked for the Government. He would be subject to the same rules with respect to coming and going as all others. I do not think he worked directly under me.

The CHAIRMAN. Did you have occasion to examine the work of Mr. Beal?

Dr. AYER. I did. The work of Mr. Beal was similar in part to that of Mr. Holmes, and he conducted himself and his work in about the same way and with the same neglect that Mr. Holmes did. Where his work would differ again would be the ante-mortem inspection of hogs in the stock yards. There he worked under the immediate charge of Dr. Everett, who worked under my direction and orders.

The CHAIRMAN. Can you give us some instances where he failed to do his duty?

Dr. AYER. My duty requires me to know. I am held responsible by the chief of the Bureau for the work done in South Omaha and for the actions of the employees here and their work; and in order to know what the work is, I have to keep around them; to go around and see them oftentimes; to decide for them on carcasses set aside for my ruling, whether they should be condemned or not. I was brought almost daily into contact with the men in that manner, and I would oftentimes see them at their work when they would not see me, and of course when

they did see me, they would apparently be trying to do their work. But I have seen them many times when they did not see me, when they were not doing their work, and when I was held responsible for the work they were doing, too.

The CHAIRMAN. You think the instances to which you have referred were sufficient to warrant the discharge of the parties?

Dr. AYER. I think so. Yes, sir; there were plenty of instances. I will state that I have talked to the parties in regard to their work and in regard to doing it properly. It did not seem to have very much effect.

The CHAIRMAN. Have you at any time during your incumbency reported any of these people in consequence of their political views?

Dr. AYER. No, sir.

The CHAIRMAN. Have you procured charges to be sent to the Department in consequence of the fact that they differed with you politically?

Dr. AYER. No, sir.

Mr. LAMBERT. I believe you stated that you were chief or acting chief at South Omaha.

Dr. AYER. I am chief inspector at this station.

Mr. LAMBERT. And you have been for about four years?

Dr. AYER. I have been chief for three years and something more.

Mr. LAMBERT. Ever since the department was classified you have been chief?

Dr. AYER. Yes, sir; when it went under the civil service.

Mr. LAMBERT. All the Government employees at that place are under you?

Dr. AYER. Yes, sir.

Mr. LAMBERT. They are subject to your supervision, direction, and control?

Dr. AYER. They are subject to my supervision.

Mr. LAMBERT. Who is next in position or order to you there?

Dr. AYER. There is nobody next. Do you mean in charge there?

Mr. LAMBERT. Yes.

Dr. AYER. There is no one in charge but myself.

The CHAIRMAN. Your force there is subdivided into taggers, stock examiners, and microscopists?

Dr. AYER. Yes, sir.

Mr. LAMBERT. Does it include any others than those I have named?

Dr. AYER. Inspectors, assistant inspectors, stock examiners, taggers, and assistant microscopists.

Mr. LAMBERT. Those include all the subdivisions of the departmental work there?

Dr. AYER. Yes, sir.

The CHAIRMAN. You have charge of all, as you stated before?

Dr. AYER. I have.

Mr. LAMBERT. You are held responsible for their acts?

Dr. AYER. I am.

Mr. LAMBERT. And for their efficiency and competency?

Dr. AYER. Yes, sir.

Mr. LAMBERT. Is that right?

Dr. AYER. Yes, sir; that is it.

Mr. LAMBERT. Those under you necessarily look to you for any corrections, criticisms, or directions, do they not?

Dr. AYER. Yes, sir; they look for my instructions. Perhaps I can help you by subdividing. You asked about the subdivisions. We will take, for instance, the Swift packing plant, where Dr. Blackwell is inspecting. He is in charge there under me. I give him such direc-

tions as I desire to have carried out, and he goes to work and carries them out. Then I watch him as well as those who are carrying out the work under him.

Mr. LAMBERT. So, likewise, with all the other subdivisions?

Dr. AYER. And so, likewise, with all the other subdivisions of the department except, you might say, the microscopic force. When Dr. White was there I intrusted it to him. Since he went away and Dr. Clark came in his stead I have given the doctor instructions exactly how I want the work done. They were agreeable to the rules and regulations laid down by the chief of the Bureau, and any deviation or change from them is taken up with me before it is made by Dr. Clark. I allow him no more privileges than are accorded to any other person. I allow no man to suggest how the work shall be done. I give the orders as I receive them from the chief of the Bureau, and then see to the best of my ability that they are executed.

Mr. LAMBERT. Have you a superior at South Omaha?

Dr. AYER. No; my superior is Dr. Salmon.

Mr. LAMBERT. Who is Dr. Salmon?

Dr. AYER. He is Chief of the Bureau of Animal Industry, in Washington.

Mr. LAMBERT. Dr. Salmon looks to you for the work?

Dr. AYER. He does.

Mr. LAMBERT. He is the only chief you have?

Dr. AYER. He is the only man over me. He is next over me. Of course I could receive directions or orders from the Secretary of Agriculture. Dr. Salmon is under the direction of the Secretary of Agriculture. I have received orders from the Secretary of Agriculture, but as a rule all orders and directions come through Dr. Salmon, the chief of the Bureau.

Mr. LAMBERT. Dr. Salmon does not come out here and examine or investigate the character and kind of work any of your inferiors are doing?

Dr. AYER. He has been here.

Mr. LAMBERT. He has?

Dr. AYER. Yes, sir. So has the Secretary of Agriculture.

Mr. LAMBERT. How often has Dr. Salmon been here?

Dr. AYER. Dr. Salmon has been here once.

Mr. LAMBERT. Once?

Dr. AYER. Once, I think. That is the only visit I can recollect.

Mr. LAMBERT. How long prior to the discharges was it, if you recall at this time?

Dr. AYER. I can not give you days and dates on anything of the kind. I did not know they would ever be needed or inquired for. I can not say, but I should think it was perhaps two years and a half or so. His agents come occasionally. They represent him.

Mr. LAMBERT. Do they investigate the work of your inferiors?

Dr. AYER. Yes, sir.

Mr. LAMBERT. How long do they remain in South Omaha?

Dr. AYER. From two to four or five days.

Mr. LAMBERT. Investigating the kind of work done?

Dr. AYER. Yes, sir.

Mr. LAMBERT. Do they make a report to you or to Dr. Salmon?

Dr. AYER. To Dr. Salmon.

Mr. LAMBERT. How long was it before the dismissals were made that a special agent representing Dr. Salmon was here?

Dr. AYER. Before Dr. White's dismissal?

Mr. LAMBERT. Yes.

Dr. AYER. I could not tell you. Dr. Melvin was here, I judge, three or four weeks, perhaps.

Mr. LAMBERT. Before?

Dr. AYER. Yes, sir; I should think so. It might not be so long, but that is as near as I can remember.

Mr. LAMBERT. How long had it been before that time since Dr. Salmon had made an investigation?

Dr. AYER. I could not give you any more than just approximately an estimate.

Mr. LAMBERT. Six months, would you say?

Dr. AYER. Probably.

Mr. LAMBERT. Do the special agents make visits about six months apart as a rule?

Dr. AYER. As a rule. Sometimes they come when I do not know it, and go away. I have known them to be here when I did not know it.

Mr. LAMBERT. Do you know anything about the character or the nature of the reports they make to Dr. Salmon?

Dr. AYER. I have no way of knowing.

Mr. LAMBERT. Do you know anything about their authority, or the extent of their power to make reports, either favorable or adverse?

Dr. AYER. I do not know just what their authority is.

Mr. LAMBERT. I will ask you to state whether or not any report made to Dr. Salmon or the Secretary of Agriculture would be honored coming through any of your inferiors?

Dr. AYER. A report?

Mr. LAMBERT. Yes, of any kind.

Dr. AYER. I do not think it would be.

Mr. LAMBERT. You are the only one at your place who has authority to make a report?

Dr. AYER. Yes, sir.

Mr. LAMBERT. You stated, I believe, that you never reported Miss Flynn, or Miss Dalton, or Dr. White?

Dr. AYER. No, sir; I did not.

Mr. LAMBERT. Do you know who did report them?

Dr. AYER. I do not.

Mr. LAMBERT. You do not know?

Dr. AYER. No, sir.

Mr. LAMBERT. You never wrote to Secretary Morton or Dr. Salmon stating anything about any of the parties who were discharged?

Dr. AYER. I did not. I will state that the agents who visited South Omaha from time to time inquired and got an impression from me. You asked me if I would make a report. I made no report in writing or anything of the kind, but I answered truthfully any questions which were asked me in regard to the work of any person.

Mr. LAMBERT. Did you at any time answer any question respecting Dr. White's competency or efficiency?

Dr. AYER. I did.

Mr. LAMBERT. To whom did you answer the question?

Dr. AYER. I told Dr. Melvin how the work was going on. I told Dr. Devoe, the traveling agent.

Mr. LAMBERT. Who is he?

Dr. AYER. He is an employee of the Bureau of Animal Industry, who acted as traveling agent for the bureau, the same as Dr. Melvin.

Mr. LAMBERT. Did you ever tell any other person?

Dr. AYER. Edward Shelden, another agent.

Mr. LAMBERT. Who is Edward Shelden?

Dr. AYER. He is an agent under Dr. Salmon, in the interest of the bureau.

Mr. LAMBERT. Do you know anything about the extent of the authority of any of the persons whom you told?

Dr. AYER. I know it is their duty to come here to look after the workings of the business under me.

Mr. LAMBERT. Do you know whether they ever reported to the Secretary your statements to them?

Dr. AYER. I suppose they did.

Mr. LAMBERT. Do you know whether or not they did?

Dr. AYER. I do not know. They make their own reports. I never read a report made by any of them.

Mr. LAMBERT. Is it a written report which you make to them?

Dr. AYER. No, sir; a verbal report.

Mr. LAMBERT. Was the request a written request?

Dr. AYER. To me?

Mr. LAMBERT. Yes.

Dr. AYER. No; it is a talk concerning each man. I may be able to help you. When the traveling inspector, as we term him, comes here he goes around with me to the work, and we go to each individual who is doing work that is of importance, and he criticises and advises when he sees that it is wrong. When I am working a man wrong and not to the best advantage, he shows me where I should change it, and when he does not I ask him. I take him to a person who is doing work similar to that which Mr. Holmes did. If we find a man in his place, doing his work properly, I ask him what he thinks of it. He expresses himself to me and makes such suggestions as he thinks will benefit the work and help me.

Mr. LAMBERT. Would he ever make a suggestion to any of the inferiors?

Dr. AYER. Oh, no.

Mr. LAMBERT. He would not do that?

Dr. AYER. No, sir.

Mr. LAMBERT. He would allow you to do it?

Dr. AYER. He would not make a suggestion to a person working under me, but he would make the suggestion to me and I would make whatever change he would suggest.

Mr. LAMBERT. The conversation which you had with him was a general one as to the competency and efficiency of the inspectors?

Dr. AYER. Yes, sir.

Mr. LAMBERT. He would pass his criticism, and you in turn would pass your criticism?

Dr. AYER. I had none to pass. I showed the work and let him criticise it.

Mr. LAMBERT. Did they ask for a particular and specific report as to the kind of work Dr. White was doing other than what they could discover and about which they would make general remarks?

Dr. AYER. No, sir.

Mr. LAMBERT. It was merely called out by general remarks?

Dr. AYER. Yes, sir.

Mr. LAMBERT. Do you recall at this time what you told Mr. Melvin about Dr. White?

Dr. AYER .I can not. It is a considerably long time ago. I can not recall or state exactly what I told him in regard to Dr. White.

Mr. LAMBERT. Do you recall what you told Dr. Devoe?

Dr. AYER. That is still a longer time ago, and I do not think I will try it. We had a great deal of business. I do not think I will undertake to shape anything that I then said.

Mr. LAMBERT. Do you remember whether at that time your criticism or the report which you made about Dr. White was adverse or favorable to him?

Dr. AYER. It showed exactly what Dr. White was doing at the time.

Mr. LAMBERT. Was it adverse or favorable?

Dr. AYER. It would be adverse, because the man was not doing his duty right.

Mr. LAMBERT. And had not been ever since you had been under the classified service?

Dr. AYER. That is a fact.

Mr. LAMBERT. You say that about every six months you talked with the inspectors?

Dr. AYER. Yes, sir.

Mr. LAMBERT. At each time did you make an adverse report against Dr. White?

Dr. AYER. I made just such answers as were necessary. I answered truthfully the questions propounded to me by the agents.

Mr. LAMBERT. That the doctor had not been doing his work well ever since the office went into the classified service?

Dr. AYER. In my judgment the doctor never performed the full duty required of him.

Mr. LAMBERT. If they asked you a question respecting the work done by him you would answer that he was not doing it?

Dr. AYER. I would.

Mr. LAMBERT. You did that on the first questioning as well as the last?

Dr. AYER. Yes, sir. They knew it all the time.

I will state here that when Secretary Morton was here they had a kind of a gathering. It was thought I was too hard or close or something. They tried to have a little trouble, and Mr. Morton came here. He called in the people who were interested, and among them was Dr. White, and each one made a statement as to the fault he had to find with me. He heard them and Dr. Devoe was present, and he referred all questions to Dr. Devoe as to whether or not my explanation was right. When he got through he told them all collectively that he had placed me in charge of the work; that he thought I could do it, and that he would give me a chance to try, if he had to get an entire new force of men to work with. That was a time when Mr. Morton himself was present and knew that Dr. White's work was not what it should be.

Mr. LAMBERT. When was this conference held?

Dr. AYER. Quite a while ago.

Mr. LAMBERT. How long before the discharges?

Dr. AYER. A long time.

Mr. LAMBERT. A year?

Dr. AYER. Probably.

Mr. LAMBERT. Do you remember whether or not the last report you made of the work of Dr. White was more adverse than any other report you had made?

Dr. AYER. It probably was.

Mr. LAMBERT. Will you state at this time why it was?

Dr. AYER. There was no improvement in Dr. White's work. It gradually, in fact, grew worse. His influence was worse to me at the

time he was discharged. I will say he did not improve in his work at all. It got worse.

Mr. LAMBERT. For that reason you made a worse report?

Dr. AYER. Yes, sir.

Mr. LAMBERT. What did you mean when you said his influence against you was worse?

Dr. AYER. I mean this: His influence over the men who worked there. He had created an impression that he stood very close to Secretary Morton, much closer than any other man, and that he could have privileges which no other man would be likely to receive. Such influence over the men was detrimental to my work and detrimental to my influence over them. They thought they had a go-between, in the person of Dr. White, between Secretary Morton and me.

Mr. LAMBERT. He gave the impression that he stood close to Secretary Morton?

Dr. AYER. He did.

Mr. LAMBERT. And that he could enjoy political and other privileges which you or any other person could not?

Dr. AYER. I did not say anything about political privileges.

Mr. LAMBERT. What are the facts?

Dr. AYER. That he stood closer and it would take a good deal more to interfere with him than it would with anybody else.

Mr. LAMBERT. Did he, to your knowledge, give the impression that he had political privileges with the Secretary which others did not enjoy?

Dr. AYER. Political privileges?

Mr. LAMBERT. Yes.

Dr. AYER. No; I do not know anything about that.

Mr. LAMBERT. You did not get that impression, as a matter of fact?

Dr. AYER. No, sir.

Mr. LAMBERT. Is that right?

Dr. AYER. Yes, sir; that is right.

Mr. LAMBERT. The parties whom you have named are the only ones to whom you talked with respect to the competency and efficiency of the parties discharged?

Dr. AYER. Secretary Morton and Dr. Devoe.

Mr. LAMBERT. You had a conversation with Secretary Morton?

Dr. AYER. And Dr. Devoe, Dr. Melvin, Mr. Shelden. I do not think I had any conversation directly with Dr. Salmon when he was here. I think those are the only persons with whom I had dealings.

Mr. LAMBERT. How many conversations did you have with Secretary Morton about Dr. White?

Dr. AYER. I met Secretary Morton twice.

Mr. LAMBERT. Where and when.

Dr. AYER. Both times at the office in South Omaha, at the bureau office.

Mr. LAMBERT. When?

Dr. AYER. The first date I could not give.

Mr. LAMBERT. Give it as nearly as you can.

Dr. AYER. A year and a half to two years, I think.

Mr. LAMBERT. A year and a half or two years before the discharges, or a year and a half or two years from now?

Dr. AYER. From now, probably. I can not tell exactly when I last talked with Secretary Morton; say from a month to two months before the Doctor was discharged.

Mr. LAMBERT. Refreshing your memory, I will ask you to state if it was at the time Secretary Morton was here to preside at what is known as the Bourke Cockran meeting, some time during the campaign?

Dr. AYER. I could not say even that.

Mr. LAMBERT. Some time in the campaign of 1896, you remember, Secretary Morton was here and presided at that meeting?

Dr. AYER. Yes, sir.

Mr. LAMBERT. Do you recall whether it was at that time?

Dr. AYER. I do not think so; it might have been, however.

Mr. LAMBERT. Would you say it was before or after that time?

Dr. AYER. I should think it was before that, but I do not know.

Mr. LAMBERT. It might have been at that meeting?

Dr. AYER. It might have been; but as I tell you I can not state positively. I say it was a month or two months. That is not very close, even then. But I do not recollect the date of Cockran's meeting.

Mr. LAMBERT. When you had the first conversation with him, did you call his attention to the fact that Dr. White was neglecting his duties and doing his work inefficiently?

Dr. AYER. They called the Secretary's attention to my trouble. It was them against me. They wanted something done with me.

Mr. LAMBERT. Did you call the Secretary's attention to it then?

Dr. AYER. I had not then worked long enough with the bureau so that I could call his attention, except in a general way, to the manner in which the business was being obstructed.

Mr. LAMBERT. You stated a moment ago that you did call the attention of the special agent to the defects in the work which Dr. White was doing?

Dr. AYER. Yes, sir.

Mr. LAMBERT. Did you call the attention of Secretary Morton to the defects in the work?

Dr. AYER. The Secretary knew of the work at that time; the first time he was here.

Mr. LAMBERT. How did he know about the work?

Dr. AYER. Because he had his special agent, Dr. Devoe, with him, and they were looking up the matter themselves.

Mr. LAMBERT. Did they tell you that they knew all about the kind of work Dr. White was doing at that time?

Dr. AYER. They did not tell me. They knew without telling me.

Mr. LAMBERT. How do you know?

Dr. AYER. They had received the reports and knew it well.

Mr. LAMBERT. How do you know they received the reports?

Dr. AYER. I mean the reports of the work; because they were forwarded from my office.

Mr. LAMBERT. Devoe's report of the condition?

Dr. AYER. Not his report. The reports I refer to are the reports of the office; the reports of Dr. White.

Mr. LAMBERT. You stated a moment ago that they knew all about the inefficient work Dr. White was doing by reason of Devoe's report and the reports of other special agents. Do you know whether or not they reported anything to Secretary Morton about the work Dr. White was doing?

Dr. AYER. It was their duty; it was what they were here for—to look up all the work.

Mr. LAMBERT. Did they, as a matter of fact?

Dr. AYER. They stood at my desk for hours at a time and made their letters of report. I suppose that is what they wished to do at

my desk. I have seen them stay a half a day at a time and put their reports into shape. I never read any of their reports.

Mr. LAMBERT. You did not read the reports?

Dr. AYER. No, sir.

Mr. LAMBERT. Did you dictate any portion of them?

Dr. AYER. No, sir.

Mr. LAMBERT. How do you know, as a matter of fact, that it was a report adverse or favorable to Dr. White?

Dr. AYER. Because if the report was in consonance with what they could see and what I could show them, they must know.

Mr. LAMBERT. You knew that at the time the Secretary was here on his first visit to which you referred a moment ago?

Dr. AYER. Knew what?

Mr. LAMBERT. You knew of the conditions at the time the Secretary was here on his first visit?

Dr. AYER. That was a good while ago, and we were not in working condition as now or in the last year.

Mr. LAMBERT. But, as a matter of fact, answering my question, you did make a report to the Secretary when he was here on his first visit, about the character of White's work. Is that right?

Dr. AYER. I can not shape an answer.

Mr. LAMBERT. What are the facts?

Dr. AYER. The facts are that Dr. White was not doing the thing that was right.

Mr. LAMBERT. Yes, but did you report that? [A pause.] Answer my question. Did you report to Secretary Morton when he was here the first time that Dr. White was not doing his work well? [A pause.]

The CHAIRMAN. You can answer the question "yes" or "no" and then make any explanation you desire.

Dr. AYER. I can say yes.

Mr. LAMBERT. Then Secretary Morton knew by your report that Dr. White was not discharging his work well some time before he was actually discharged.

Dr. AYER. I presume he did.

Mr. LAMBERT. Do you recall what you said to Secretary Morton in the last conversation you had with him?

Dr. AYER. I can not.

Mr. LAMBERT. Although it was not a favorable report on Dr. White's work?

Dr. AYER. I can not recall the conversation exactly. It would be in substance to this effect: "How is Dr. White doing?"—something to that effect. It would be the starting of it, likely, or "Is there any improvement?" or something like that. My answer would be "No," because there would not be. I do not wish to state that those were the identical words, questions and answers, but words and substance to that effect.

Mr. LAMBERT. That would be about it?

Dr. AYER. I have stated it the best I can.

Mr. LAMBERT. You have stated as nearly as you can what you at that time said to him about Dr. White?

Dr. AYER. I can not recall anything that would answer your question better than that.

Mr. LAMBERT. Would you say at this time that what you have stated is about all you said to Secretary Morton?

Dr. AYER. In substance that is it.

Mr. LAMBERT. That is all you said?

Dr. AYER. I do not say all, for there might be more, but I can not recall anything further than what I explained to you. It is the best I can do with it.

Mr. LAMBERT. You did not say anything about Dr. White's politics?

Dr. AYER. No.

Mr. LAMBERT. Not a single thing? [A pause.] Is that right?

Dr. AYER. I do not know anything about Dr. White's politics. It is none of my affairs.

Mr. LAMBERT. Did you say anything about it?

Dr. AYER. No, sir.

Mr. LAMBERT. Did Secretary Morton at that time ask you any question about his politics?

Dr. AYER. No, sir.

Mr. LAMBERT. At either of the meetings?

Dr. AYER. No, sir; I do not recollect anything.

Mr. LAMBERT. Did you not know Dr. White's politics when you were talking with Secretary Morton the last time?

Dr. AYER. I might have guessed Dr. White's politics, but I do not know Dr. White's politics.

Mr. LAMBERT. He never expressed himself before you?

Dr. AYER. The Doctor and I never talked very much except in a general way. I do not think the Doctor ever expressed himself in my presence. I do not now recall that he ever expressed himself any further than that I presumed the man to be a Democrat. I would not say that he ever told me outright that he was a Democrat, but I supposed he was a Democrat. The Doctor and I never had very much talk in a social way.

Mr. LAMBERT. Is it not a fact that when you were talking with Secretary Morton the last time, you knew that Dr. White was a supporter of W. J. Bryan?

Dr. AYER. I did not know anything about Dr. White's politics.

Mr. LAMBERT. Is it not a fact that you knew he was supporting Bryan?

Dr. AYER. I did not know. I suppose if he asked me I would answer that he would vote for Mr. Bryan, but as to support or work, or anything of that kind, I do not know.

Mr. LAMBERT. Is it not a fact that you stated to Secretary Morton that he was a supporter of Bryan?

Dr. AYER. No, sir.

Mr. LAMBERT. Or words of similar and like effect?

Dr. AYER. No, sir; not that I can recall.

Mr. LAMBERT. I believe you stated, Doctor, that from the very beginning Dr. White continued to make mistakes, and at first those mistakes went on without being observed in your department?

Dr. AYER. Yes, sir.

Mr. LAMBERT. That the reports were sent to Washington and sent back for correction; is that right?

Dr. AYER. Yes, sir.

Mr. LAMBERT. It is your duty to correct the reports and inspect the work?

Dr. AYER. It is the duty of every man to make his report to me correctly.

Mr. LAMBERT. Suppose he does not; what is your duty?

Dr. AYER. After I found out by the reports being returned to me, I then, to prevent trouble of that sort, gave instructions that the reports should be carefully looked over, and when found incorrect should be

taken back to Dr. White to be corrected. That saved trouble and bother in the department.

Mr. LAMBERT. As a matter of fact you had no duty except to send forward the reports. Is that right? [A pause.] You had no duty relative to reports except to forward them?

Dr. AYER. To forward them?

Mr. LAMBERT. It was not your duty to inspect them at all in the first instance?

Dr. AYER. A man is supposed to make his reports perfect to begin with, and then it is my duty to place them in proper shape and forward them to the Department, to the places where they belong.

Mr. LAMBERT. But if he does not make his report correctly, then what is your duty?

Dr. AYER. It was his fault in not making it correctly.

Mr. LAMBERT. What was your duty?

Dr. AYER. It is my duty to ask him to be more careful and to get his reports right.

Mr. LAMBERT. Is it your duty to discover the mistakes before the report is forwarded?

Dr. AYER. If I did not discover them and the report was forwarded, it would perhaps be no fault of mine?

Mr. LAMBERT. Answer my question. Is it your duty to discover it?

Dr. AYER. No.

Mr. LAMBERT. It is not. Then you had nothing to do with the report except to forward it. Is that right?

Dr. AYER. It is his duty to make the report correctly to me, and then my duty is to place it in its proper channel to be forwarded to the Department.

Mr. LAMBERT. If you did forward an incorrect report and it was sent back to you, then no fault would attach to you in the transaction. Is that right?

Dr. AYER. It would be, partly. It would be this: The fault would be laid to the party in fault.

Mr. LAMBERT. Who was in fault?

Dr. AYER. Dr. White.

Mr. LAMBERT. You were not in fault in forwarding an incorrect report?

Dr. AYER. Not if I knew it.

Mr. LAMBERT. Was it your business to know it or not to know it? Was it your duty to discover a mistake in a report made by Dr. White handed to you for the purpose of being forwarded to Washington?

Dr. AYER. It is my duty to get the report in as correctly as possible.

Mr. LAMBERT. Then it is your duty to examine and investigate the report and correct it wherein it is incorrect.

Dr. AYER. No, sir.

Mr. LAMBERT. It is not? What do you mean by saying it is your duty to get the reports in as correctly as possible?

Dr. AYER. I mean the party making the report should make it correctly and forward it to me—pass it to me—that I may forward it to the Department; then if the report is wrong the fault is with the man who made the report.

Mr. LAMBERT. Do you treat every report that comes into your office in just that manner? Is that what you mean to say by your answer?

Dr. AYER. The reports which come to my office from different individuals are supposed to be correctly made when they are handed to me.

Mr. LAMBERT. And if they are not, they go incorrect to Washington?

Dr. AYER. They do not now.

Mr. LAMBERT. Did they at that time?

Dr. AYER. They did at that time.

Mr. LAMBERT. Why do they not go on now?

Dr. AYER. Because there is an improvement in the way of doing our work.

Mr. LAMBERT. When was the improvement made?

Dr. AYER. It has been gradual all along.

Mr. LAMBERT. It did not amount to anything at first?

Dr. AYER. At first, you want to understand, the business was very small. It was in its infancy then.

Mr. LAMBERT. I want the facts without any history.

Dr. AYER. All right. You can not get them out of me except as I can give them to you so that you can understand them.

Mr. LAMBERT. I have discovered that.

Dr. AYER. I will give you anything I can if you give me an opportunity to think.

Mr. LAMBERT. State to the committee just what the reports consisted of which Dr. White turned in daily and about which there was some mistake.

Dr. AYER. It occurred in figures and numbers, and it would be almost impossible for me to describe it.

Mr. LAMBERT. Describe it as nearly as you can?

Dr. AYER. Now to state exactly the nature of each and every one of them would be utterly impossible. I have my correspondence where they were returned, which shows where the errors were.

Mr. LAMBERT. State as nearly as you can, in response to my question, of what that report consisted?

Dr. AYER. I can illustrate it. In copying the tag numbers which accompany the sample we have examined, in order that it may show the identical carcass from which the sample came, to be passed or not passed. That is, what I mean by "passed," to be free from trichinæ or not free from trichinæ. If free from trichinæ, all right; if not, he would pass a carcass that was diseased. That is the best I can give you.

Mr. LAMBERT. Were they prepared on a blank by Dr. White?

Dr. AYER. On blanks.

Mr. LAMBERT. And the blank is about 6 or 8 or 10 inches long, and how wide?

Dr. AYER. Six or 10 inches long and about 3½ to 4 inches wide.

Mr. LAMBERT. Is it such that by glancing over it with some attention you could discover an error?

Dr. AYER. By examination it can be discovered.

Mr. LAMBERT. The blanks are kept in Washington as a matter of record?

Dr. AYER. Yes, sir; we forward them as office record of our work.

Mr. LAMBERT. By looking over them with any care or attention a mistake which Dr. White might make would become obvious. Is that right?

Dr. AYER. It would be detected on examination or it would have been returned to me.

Mr. LAMBERT. You did not detect the incorrect ones which you have already testified were forwarded on?

Dr. AYER. You must understand there is a great amount of work.

Mr. LAMBERT. Just answer my question. You did not detect the incorrect blanks or reports that were handed in by Dr. White?

Dr. AYER. If I had I should have sent them back to him for correction, as I did many times after that.

Mr. LAMBERT. As a matter of fact, you did not look at them except to take them and forward them. Is that right?

Dr. AYER. Certainly.

Mr. LAMBERT. Was it your duty to look at them and inspect them and to discover errors if any existed?

Dr. AYER. It was my duty to get those reports in there as correctly as possible, with such help as I have.

Mr. LAMBERT. I ask you if it was your duty to inspect and examine the reports and to correct such errors as might become apparent by looking at them?

Dr. AYER. If I saw an error, I would certainly send the report to Dr. White for correction. I would not correct it.

Mr. LAMBERT. Was it your duty to discover it if you could do so by care and attention?

The CHAIRMAN. The witness will please answer the question. It can be answered either "yes" or "no."

Dr. AYER. I have answered it, I think. I say that if I should see a mistake in Dr. White's report, it was my duty to return the report to Dr. White for correction.

The CHAIRMAN. Your answer is not responsive to the question propounded.

Mr. LAMBERT. The question is, was it your duty to inspect the report and discover any errors that might appear therein?

The CHAIRMAN. You can answer the question "yes" or "no," and then if you have any explanation to make you are entitled to make it to the committee.

Dr. AYER. Then I will say yes.

Mr. LAMBERT. You did not do it, and you forwarded the report? Is that right?

Dr. AYER. I am entitled to an explanation, and I will make it. Now, understand, I personally do not examine those reports. I could not do it. I have a clerk who looks over the work and copies it and puts it into shape, while I would be out of the office, as I said before, a half day, sometimes two-thirds of a day, and sometimes nearly all day, with just time enough in the office to sign up the reports. A mistake for which you might think I would be responsible I would not have seen or have had an opportunity to see.

Mr. LAMBERT. But the mistake then, as it occurred, was as much the fault of your department as it was of the department of Dr. White?

Dr. AYER. No, because if Dr. White had made out the report correctly there would have been no mistake.

Mr. LAMBERT. It was the duty of your department to discover and correct it, as you have just testified?

Dr. AYER. If my clerk had discovered the error, he certainly would have corrected it.

Mr. LAMBERT. How often did those mistakes occur?

Dr. AYER. Probably I might have as many as five or six letters in regard to the subject.

Mr. LAMBERT. When they were returned?

Dr. AYER. Yes, sir; where they were returned, and then in order not to have any more such mistakes or reports returned I gave strict orders always to look carefully over the reports of Dr. White for corrections before they were forwarded.

Mr. LAMBERT. How long would you say it was before the parties were discharged that the reports were sent on and letters in return received asking for corrections?

Dr. AYER. Quite a considerable time.

Mr. LAMBERT. Two years?

Dr. AYER. No; I should not think so.

Mr. LAMBERT. A year and a half?

Dr. AYER. Perhaps.

Mr. LAMBERT. After that you made such an examination and inspection as would discover the mistakes, and you asked Dr. White to correct them?

Dr. AYER. Yes, sir; it was his duty to correct his report; to make his report to me correct in the first instance.

Mr. LAMBERT. So the Department knew of Dr. White's errors for something like a year and a half before he was discharged?

Dr. AYER. Yes, sir; that is right.

Mr. LAMBERT. And within a year and a half he had not made any errors of that kind which had come to the knowledge of the Department except through you?

Dr. AYER. Yes, sir; that is it.

Mr. LAMBERT. I wish you would state to the committee something about the nature of the errors that appeared, how material they were, etc. Tell the committee what they were. I refer to any errors which you recall that Dr. White made?

Dr. AYER. In cases where a carcass would be found to be trichinaed or unfit for food and should be condemned, the report would show that it was a sound carcass. There would be an error there in placing an unsound carcass in with those that were reported to be right.

Mr. LAMBERT. Would that error actually occur in the abattoirs?

Dr. AYER. Yes. A certain thing took place more than one time in abattoir 29, the Omaha Packing Company.

Mr. LAMBERT. So when the report would reach Washington and a letter received in return showing the mistake, the meat would have been shipped?

Dr. AYER. In one instance it got away from us, and in the other instances it was detected soon enough, so that it did not get away. There was one case that did actually get away from us—one piece.

Mr. LAMBERT. That is where the report had been sent to Washington and a letter came back?

Dr. AYER. The Department never knew of that fault—not by letter.

Mr. LAMBERT. Then as to all the errors to which you have testified, where incorrect reports went to Washington and were returned, no damage actually occurred by reason of the errors. Is that right?

Dr. AYER. No damage except in this instance, where one piece of trichinaed meat, one carcass, or I think it was a piece, was actually passed which should have been rejected. Through the Doctor's mistake we could not recall it. The report had been made, say two or three days, before I found out that it was wrong.

Mr. LAMBERT. Did that report go to Washington in an incorrect shape, and was it then returned?

Dr. AYER. It went, and it was incorrect, and it remained incorrect, because we could not recall it. It passed our power to recall it, because that identical piece of meat was boxed, and boxed with meat in other boxes, so that it would be impossible for us to tell just the location of the meat.

Mr. LAMBERT. If a report with errors was sent to Washington, it

was likely that the carcass would be shipped before a return letter was received?

Dr. AYER. Yes, sir; that is the idea.

Mr. LAMBERT. And escape?

Dr. AYER. In one case it happened that it was impossible for us to get the piece. In the other cases which occurred we did get the piece before it was shipped.

Mr. LAMBERT. But the liability of a carcass getting out, from a report which would come in with an error and go to Washington before it was returned, was greater than if the report had been examined in your office and Dr. White's attention called to it? Is not that right?

Dr. AYER. I do not understand the question.

Mr. LAMBERT. I will put the question again. There would be greater liability of a carcass being shipped out, and the department not be able to discover it, where an incorrect report would be presented to your office and your office forwarded it to Washington, and then it was returned for correction, than if you had discovered the error in the first place?

Dr. AYER. There is almost too much of it for me all at once.

Mr. LAMBERT. Then I do not know how to formulate the question to convey my idea. However, I will try it again. There would be greater liability of a carcass being shipped out, when the report would happen to be sent to Washington and be returned for correction, than there would be if the report had been corrected in your office. Is not that right?

Dr. AYER. The meat might be taken out and be gone before the report would get to Washington and back to me. That is right.

Mr. LAMBERT. There would be much greater liability of its doing so than if the report was corrected at your office?

Dr. AYER. Yes, sir.

Mr. LAMBERT. Would you not consider it your duty to examine carefully every report sent in?

Dr. AYER. Those reports——

Mr. LAMBERT. Answer my question. Under those circumstances would you not consider it your duty to examine carefully each report sent in by Dr. White?

Dr. AYER. Yes; but there could come a case where I could not possibly tell. I would have to take a report that it was right, and in the cases referred to he afterwards changed the report which he himself had already put in as right. I could not tell that it was not right at that time. He afterwards changed it, and found that he had passed a report to me wrong from his book and attempted to correct it, and I did not know of that correction until a couple of days after it happened.

Mr. LAMBERT. About how often, since those reports were returned, have you corrected a report of Dr. White?

Dr. AYER. A good many times. Every week or so.

Mr. LAMBERT. I will ask you whether the errors in the reports were the only ones you discovered in Dr. White's work?

Dr. AYER. I will say this: I have told Dr. White——

Mr. LAMBERT. Will you please answer my question? Was that the only error you discovered in his work? Answer it by saying "yes" or "no." You can do so.

Dr. AYER. The errors of this nature referred to?

Mr. LAMBERT. Are they the only ones you found in his work?

Dr. AYER. They are the only errors that would take place.

Mr. LAMBERT. They were the only ones you found in his work. Do

you regard Dr. White as incompetent to detect, by means of a microscope, trichinæ?

Dr. AYER. I think the Doctor ought to be able to tell it when he sees it.

Mr. LAMBERT. You think he could do so, as a matter of fact?

Dr. AYER. I think he could tell it. I do not know just how much experience the Doctor has had with the microscope, but I should judge he could tell trichina when he saw it.

Mr. LAMBERT. You can tell trichinæ?

Dr. AYER. With a man who has once seen them, there is not much difficulty in recognizing them.

Mr. LAMBERT. Seeing them once would be sufficient?

Dr. AYER. It would be sufficient if he saw a live one. There is a difference between live ones and the appearance of dead ones. I should think the Doctor ought to be able to tell a live one from a dead one, or either, when he saw it.

Mr. LAMBERT. Did you ever review his work with the microscope to see whether he did?

Dr. AYER. It would not be my duty to review it.

Mr. LAMBERT. You did not, as a matter of fact?

Dr. AYER. I had no time to do such work.

Mr. LAMBERT. Did you ever review the work of the assistant microscopists, Miss Flynn or Miss Dalton?

Dr. AYER. No, sir; I did no reviewing with the instrument—the microscope—of any of the work of the assistants.

Mr. LAMBERT. Consequently, so far as you know, that part of the work was well taken care of and competently executed?

Dr. AYER. As far as I know of my own knowledge.

Mr. LAMBERT. Have you had reports by anyone in that department complaining of those girls or of Dr. White?

Dr. AYER. No.

Mr. LAMBERT. You know nothing of your own knowledge against Miss Flynn or Miss Dalton?

Dr. AYER. It is a pretty mean man who wants to say anything against a woman; no.

Mr. LAMBERT. You never reported them either to the special agents or to Secretary Morton?

Dr. AYER. No, sir.

Mr. LAMBERT. You never said anything to either of them about those two girls?

Dr. AYER. No, sir.

Mr. LAMBERT. Do you know of anyone who did?

Dr. AYER. I do not.

Mr. LAMBERT. You do not know how it came that they were discharged?

Dr. AYER. I do not.

Mr. LAMBERT. It did not come through any report or any recommendation of any kind which you made?

Dr. AYER. Not from me, sir.

Mr. LAMBERT. No one else there would have authority to make recommendations?

Dr. AYER. I do not know of anybody.

Mr. LAMBERT. Do you know the politics of those ladies?

Dr. AYER. No; I do not know anything about it?

Mr. LAMBERT. I believe you stated in your testimony that Dr. White made frequent professional calls during working hours?

Dr. AYER. Yes, sir.

Mr. LAMBERT. Will you name to the committee one instance wherein Dr. White made a call?

Dr. AYER. Many.

Mr. LAMBERT. Name one.

Dr. AYER. It was a daily occurrence with the Doctor.

Mr. LAMBERT. Name just one instance in particular where he made a call or a visit, if you can?

Dr. AYER. I can not say. He had attendance on hospitals, and I could see him take his grip and go and take his rig. He kept his rig always at the foot of the stairs at the door. He would get into his rig and drive away and be gone awhile and come back. Whom he went to see I can not tell. I have repeatedly seen people come to the office, and he would come down from the microscopic rooms and prescribe and examine them there in the office.

Mr. LAMBERT. You would see him do it?

Dr. AYER. I have seen him do it. The people were strangers to me. I do not live in South Omaha. There are very few people there whom I know except those with whom I come in direct contact in a business way. I go there in the morning and attend to my work, and when I am through go home to Omaha. The people who live there are as much strangers to me as they would be to you, and I did not consider it my business to find out who the persons coming in to see the doctor were or anything about them.

Mr. LAMBERT. You think he was relying on his pull with Secretary Morton?

Dr. AYER. It seemed to me that way.

Mr. LAMBERT. He kept it up ever since he went into the department?

Dr. AYER. Yes, sir.

Mr. LAMBERT. That was something like over two years before he was discharged?

Dr. AYER. All the while I was with the office there.

Mr. LAMBERT. Did you ever complain to the Department prior to the summer of 1896?

Dr. AYER. I made no complaint.

Mr. LAMBERT. You never said anything about it?

Dr. AYER. I never made any complaint about it further than they knew what was going on.

Mr. LAMBERT. You did not tell them?

Dr. AYER. The Secretary knew it; his agents knew it.

Mr. LAMBERT. But you can not name a single instance?

Dr. AYER. I say those people were strangers to me.

Mr. LAMBERT. You were in the office almost every day all day?

Dr. AYER. Oh, no.

Mr. LAMBERT. You were not?

Dr. AYER. Not all day. My way of doing business is to go to the office in the morning and get my mail; I get that about 9 o'clock. That outlines anything new for the day. Then I answer my correspondence; then I start for the cattle yards, and from there to the abattoirs, and I am scarcely ever back until noon. Unless I would get a special call or there was some special occasion, I would have more or less all of my afternoons to work out the plans of the office work, so that I would be in the office during the afternoon, more or less, except on special days.

Mr. LAMBERT. It would be in the afternoons that you would see him go?

Dr. AYER. I have met him; I have seen him in his rig on the streets away from the office when we were both away.

Mr. LAMBERT. Did you know how long he had been away?

Dr. AYER. I could not say.

Mr. LAMBERT. You did not watch him until he returned?

Dr. AYER. No, sir; it was during office hours.

Mr. LAMBERT. You did not know anything about how the department above was getting along while he was away?

Dr. AYER. It was his business to see to that.

Mr. LAMBERT. Suppose they did not do anything, and just raised particular Cain; would you leave that solely to his discretion?

Dr. AYER. If it got so bad that we could not stand it, I would probably try to stop it. Ordinarily I would expect him to attend to it.

Mr. LAMBERT. It was not your duty, then, to interfere at all unless it got so bad that you could not stand it?

Dr. AYER. Oh, no; that is not it.

Mr. LAMBERT. What is it?

Dr. AYER. It did not get so bad that a man could not stand it.

Mr. LAMBERT. Did you regard it as your duty to interfere when Dr. White made professional calls?

Dr. AYER. Not until I received orders that no person should receive any special favors whatever.

Mr. LAMBERT. That was how long before he was discharged?

Dr. AYER. Oh, a month or so, or such a matter; I could not say exactly; it may be six weeks.

Mr. LAMBERT. You never had such orders before?

Dr. AYER. No, sir.

Mr. LAMBERT. Do you know how the Secretary came to know that somebody was receiving special favors?

Dr. AYER. I could not tell you.

Mr. LAMBERT. You never reported to the Secretary the impression that Dr. White had left with you that he enjoyed special privileges with the Secretary?

Dr. AYER. I do not recollect ever telling the Secretary.

Mr. LAMBERT. You might have told him that?

Dr. AYER. I do not think I did.

Mr. LAMBERT. You say you did not watch the doctor complete his visits. You do not know how long he was gone at any one visit?

Dr. AYER. I have met him at times on the street. I have seen him go away when I was in the office and be gone a half hour or three-quarters of an hour, or such a matter, and come back.

Mr. LAMBERT. You did not know whether he was attending to other business or making professional calls, as a matter of fact?

Dr. AYER. He had his satchel with him.

Mr. LAMBERT. Do you know whether he was or was not?

Dr. AYER. I have seen people come there and call him and he would follow them out to attend the visit.

Mr. LAMBERT. Answer my question, please. Do you know whether or not he was making professional calls when you would see him go away?

Dr. AYER. When you see a man come in and ask for a doctor——

The CHAIRMAN. Answer the question "Yes" or "No."

Dr. AYER. Yes; I think so.

Mr. LAMBERT. Are you willing to swear that Dr. White was making professional calls on each occasion when you saw him go out?

Dr. AYER. I can not answer it in any other way.

Mr. LAMBERT. Answer "Yes" or "No."

Dr. AYER. I can not recall a place where I saw him go.

Mr. LAMBERT. Answer the question.

Dr. AYER. Hold on just a minute and I will make an explanation. I saw him get a call at the office, take his grip and go across the street, enter a house along the street, and be gone for a half hour or such a matter and then come back. That is as near as I can swear that he made a professional call.

Mr. LAMBERT. Where were you when you saw that?

Dr. AYER. In the office.

Mr. LAMBERT. Did you watch him all the time?

Dr. AYER. I just happened to do so casually; I merely noticed it, that is all.

Mr. LAMBERT. You were situated with reference to some window where you could see all that?

Dr. AYER. I can stand at the window and see what I saw.

Mr. LAMBERT. You did stand at the window and watch him?

Dr. AYER. I saw him. I was not particularly watching him. It was a common affair with him. I did not consider it in need of watching.

Mr. LAMBERT. Do you know whether or not any evidence was accumulated against any of the removed parties before they were removed?

Dr. AYER. Not more than the general knowledge of Dr. White's actions by the traveling agents of the Department, already referred to.

Mr. LAMBERT. It is a fact that some time after the removals one Ed. Shelden came out and procured affidavits supporting the removals?

Dr. AYER. He did.

Mr. LAMBERT. You made an affidavit at that time?

Dr. AYER. I did.

Mr. LAMBERT. You had never before made one?

Dr. AYER. No, sir.

Mr. LAMBERT. You had never before been asked for one?

Dr. AYER. I never had been asked for one and never had made one.

Mr. LAMBERT. It is a fact that Shelden came back two or three months or six weeks afterwards for the purpose of accumulating more evidence in the form of affidavits?

Dr. AYER. He was there twice.

Mr. LAMBERT. His visits were about six weeks apart?

Dr. AYER. I could not say; they might have been.

Mr. LAMBERT. Did you make an affidavit each time?

Dr. AYER. I did. I answered the questions propounded to me by Mr. Shelden.

Mr. LAMBERT. Was Dr. White called on to make a statement or to give an affidavit?

Dr. AYER. I do not think he was.

Mr. LAMBERT. Do you know whether any of the removed parties were called on to make a statement or an affidavit?

Dr. AYER. I do not know that they were.

Mr. LAMBERT. Shelden took this testimony in your office?

Dr. AYER. Yes. Now, I might make a mistake about the removed people being asked to make an affidavit. [A pause.] No; I do not think they were.

Mr. LAMBERT. Do you remember whether you notified any of the parties who were removed of the fact that testimony was being taken for the purpose of supporting the removal?

Dr. AYER. No, sir; I did not.

Mr. LAMBERT. Do you know whether Shelden did?

Dr. AYER. I do not know.

Mr. LAMBERT. Do you not know as a matter of fact that he did not?

Dr. AYER. I know that the same as I know other things; I do not know. I can not say what he might have done. I should not presume that he notified them, but he might have done so and I not know it.

Dr. WHITE. I should like to ask the Doctor if he did not sign my report daily?

Dr. AYER. Your microscopic report?

Dr. WHITE. Yes.

Dr. AYER. Yes, sir; they have to be signed.

Dr. WHITE. In regard to the trichinæ number, on which you seem to lay so much stress, was that my fault or Mr. Schibsby's fault?

Dr. AYER. Mr. Schibsby says it is your fault; that you gave him the numbers and he acted upon them, and then you took them back and gave him other numbers after he had acted.

Dr. WHITE. We will bring that out later on.

Dr. AYER. You can call Mr. Schibsby. He can probably explain it better.

Dr. WHITE. You say I made calls all the time. How do you know when you were away from the office so much?

Dr. AYER. As I have stated, I have met you on the street many times when I knew it was your business to be in the office. You had your grip with you. I have seen you in your buggy under like circumstances.

Dr. WHITE. When at work in the microscopic department?

Dr. AYER. Yes, sir; when the microscopists were in the room at work.

Dr. WHITE. How much time were we furloughed?

Dr. AYER. I can not tell you.

Dr. WHITE. Were we furloughed twelve months, off and on?

Dr. AYER. I can not say.

Dr. WHITE. Do you not think it was twelve months?

Dr. AYER. I can not state. You were furloughed more or less at different times.

Dr. WHITE. You know that when I was practicing medicine I had nothing else to do?

Dr. AYER. You practiced medicine at one time as well as another.

Dr. WHITE. After giving me the order, did you not modify it the next day by saying I could make calls at noon?

Dr. AYER. I told you you could act according to your own pleasure.

Dr. WHITE. Did you not give me permission?

Dr. AYER. No, sir; I gave you the instructions as they were given to me.

Dr. WHITE. Did you not say, "Doctor, go on and attend calls at noon?"

Dr. AYER. No, sir.

Dr. WHITE. You do not remember that?

Dr. AYER. No, sir.

Dr. WHITE. Do you not remember that right in the hallway you said, "If you have a call at noon, go on and make it?"

Dr. AYER. I do not recollect it.

Dr. WHITE. You do not recollect it?

Dr. AYER. No, sir.

Dr. WHITE. In regard to the trichinæ number, did I not telephone

that evening, after the work was done, to the Omaha house and give them the number, and call for Mr. Schibsby?

Dr. AYER. That is something I can not tell.

Dr. WHITE. Did I give Mr. Schibsby the numbers?

Dr. AYER. He says you did. In one instance he says you did and in another instance I think he says Miss Flynn gave them to him.

Dr. WHITE. How often do you think I made mistakes?

Dr. AYER. In that particular respect?

Dr. WHITE. In any way, as to clerical errors?

Dr. AYER. Quite often.

The CHAIRMAN. I suggest, Dr. White, that your attorney seems to have gone into this matter quite fully.

Dr. WHITE. You frequently called on me upstairs, with friends, to show them trichinæ; did you ever find me absent when you went up into my room?

Dr. AYER. It was very seldom that I took any one up there unless I knew you were there at the time. I would not take them up there unless I knew that.

Dr. WHITE. Did you ever find me absent during working hours, except at noon or recess?

Dr. AYER. Yes, lots of times.

Mr. LAMBERT. Doctor, I believe you are a veterinary surgeon?

Dr. AYER. Yes, sir.

Mr. LAMBERT. Is it not a fact that you practice your profession during working hours?

Dr. AYER. No, sir.

Mr. LAMBERT. Have you not done so since you have been connected with the department at South Omaha?

Dr. AYER. No, sir.

Mr. LAMBERT. I will ask you to state if it is not a fact that you have been until recently on the pay roll of the Hammond Packing Company as a veterinary surgeon?

Dr. AYER. No, sir.

Mr. LAMBERT. I will ask you if it is not a fact that about 3 o'clock one afternoon six or eight months ago you were called to the plant of the Hammond Company and did attend as a veterinary surgeon a black horse, I think it was, that had been gored by a steer at that plant?

Dr. AYER. I examined at noon a horse gored by a steer, not at 3 o'clock.

Mr. LAMBERT. At noon, do you say?

Dr. AYER. At noon.

Mr. LAMBERT. I will ask you to state if you recall anyone who was present during that examination and can name him?

Dr. AYER. The timekeeper.

Mr. LAMBERT. At Hammond's?

Dr. AYER. At Hammond's. His name is Felch; I do not know his initials.

Mr. LAMBERT. Do you recall any others?

Dr. AYER. I could not say. I could not name any others than Mr. Felch.

Mr. LAMBERT. Was it where the public might observe you treating the horse?

Dr. AYER. It was in the stable. It did not require more than a minute's time to look at it. It was just a gore. With my finger I determined the extent of it, and that was all there was to do, so far as I was

concerned. I did not treat the animal directly myself. I did not apply the treatment. I gave instructions to Mr. Felch, and he did it.

Mr. LAMBERT. You are as sure that it was at noon as you are of any other fact to which you have testified before the committee?

Dr. AYER. I think so.

Mr. DUNN. Will you state in as brief a way as possible the exact duties of a stock inspector or stock examiner under your department?

Dr. AYER. The duty of a stock examiner varies. It depends upon what is required of him. If he is doing antemortem inspection of cattle in the yard, his duty would consist in examining cattle on foot as they came into the scale yard preparatory to going to the scales. That would be the duty of a stock examiner doing what we term antemortem inspection.

Mr. DUNN. How is it with reference to the inspection of hogs?

Dr. AYER. I think I stated that. If I did not I will go through it again. Shall I state it again?

The CHAIRMAN. Please answer the question.

Dr. AYER. The duty of a stock examiner on post-mortem work on hogs is to be in such a position as to see the viscera or internal organs of the carcass as it passes, and also to observe the abdominal and thoracic walls of the carcass and the general appearance of the carcass. To do that he must stand——

Mr. DUNN. You have given that.

Dr. AYER. I have explained to you what the duties of a stock examiner are on post-mortem work on hogs and antemortem work on cattle, and the same will apply to antemortem work on hogs.

Mr. DUNN. Mr. Holmes, during his employment in the Bureau of Animal Industry, performed the duties of an antemortem and post-mortem inspector at different times?

Dr. AYER. He had some antemortem work to do. You will have to let me explain that to you.

Mr. DUNN. I appeal to the committee that the witness ought to answer the question.

The CHAIRMAN. I suggest that the doctor answer the question.

Dr. AYER. Tell me what you want me to state. I will do it the best I can.

Mr. DUNN. Did you have at each of the houses at South Omaha during the time of Mr. Holmes's employment an inspector to do the antemortem work so far as hogs were concerned and one to do the post-mortem work?

Dr. AYER. No.

Mr. DUNN. Did he do both?

Dr. AYER. When that work was going on he would be expected to do both, but he would have time to make the antemortem inspection before the post-mortem inspection would begin.

Mr. DUNN. Then Mr. Holmes, in the house where he was employed, did do the post-mortem and antemortem work, so far as hogs were concerned?

Dr. AYER. When it required antemortem inspection, but when that was done away with he simply did the post-mortem work.

Mr. DUNN. Is it not a fact that at times when hogs would come in which had to be inspected before being killed, they were also killing other hogs, so that it required an antemortem inspection and a post-mortem inspection at the same time?

Dr. AYER. He was always instructed to attend to the post-mortem inspection, and if the antemortem inspection could not be attended to

without interfering with the post-mortem inspection he would let the antemortem inspection go.

Mr. DUNN. By whom was he so instructed?

Dr. AYER. By me.

Mr. DUNN. Was he so instructed by you?

Dr. AYER. He was.

Mr. DUNN. When and where were those instructions given?

Dr. AYER. At the plant during the hours of work at different times.

Mr. DUNN. They were frequent?

Dr. AYER. They were frequent. He was put upon his work and kept there by being told how and where and what to do. When he came there to work he knew very little of that work.

Mr. DUNN. I understand that. Now, if it was necessary for him to remain at the antemortem post of duty, and if it was his duty also to conduct the other work, how was the other work conducted or performed?

Dr. AYER. The other work was considered of minor importance and was always left to go when such cases would happen, but it would not happen once in fifty times. As a rule he would have a chance to see the hogs before they commenced slaughtering. Possibly they might drive them from the stock yards to the slaughter station the same day, but as a rule the hogs are brought into the slaughter yards one day and killed the following day.

Mr. DUNN. Finally, at some time Mr. Holmes would have to make both inspections—antemortem and post-mortem inspections?

Dr. AYER. Not when post mortem work was going on.

Mr. DUNN. Some time before killing he would have to make the antemortem inspection?

Dr. AYER. Before killing it was his duty to make the antemortem inspection, when that work was required.

Mr. DUNN. Was there more than one man at each house to do that work?

Dr. AYER. On hogs?

Mr. DUNN. Yes.

Dr. AYER. No.

Mr. DUNN. In which house was Mr. Holmes?

Dr. AYER. That of the Hammond Packing Company.

Mr. DUNN. He was called upon to do that work?

Dr. AYER. Yes, sir.

Mr. DUNN. Your office is how far from the packing house?

Dr. AYER. Three or four blocks.

Mr. DUNN. Would you visit those houses once a day or oftener?

Dr. AYER. Sometimes twice a day, sometimes perhaps once in a couple of days, perhaps three days, but it would depend upon the condition of my other work as to how often I could get to Mr. Holmes or any of the other men.

Mr. DUNN. Had Mr. Holmes any immediate superior; that is, was there any authority between you and him?

Dr. AYER. Not that would interfere with the post-mortem work.

Mr. DUNN. Was there or was there not? Did he get his authority direct from you or did somebody else have authority with you or under somebody else to give him directions of any kind?

Dr. AYER. He could receive directions from Dr. Schirmer.

Mr. DUNN. Never mind what he could do. What are the facts? You have rules of authority in the Department, have you not?

Dr. AYER. Yes, sir.

Mr. DUNN. Dr. Schirmer or some other man can not go out of his

department and interfere with somebody else unless he has the authority?

Dr. AYER. No.

Mr. DUNN. Did he have authority to give Mr. Holmes instructions while Mr. Holmes was in the performance of his duties?

Dr. AYER. He could give instructions that would not interfere with the general instructions given by me.

Mr. DUNN. Then the giving of instructions by Dr. Schirmer could only be upon such things as to which you had not already instructed Mr. Holmes?

Dr. AYER. That is the idea.

Mr. DUNN. Do you know whether Dr. Schirmer at any time did give Mr. Holmes instructions regarding the performance of his duties in the house?

Dr. AYER. I do not know. I do not think he did on anything of importance, because he would first consult me.

Mr. DUNN. Do you know whether at any time any instructions were given by Dr. Schirmer which conflicted with the instructions given by you?

Dr. AYER. No, sir; for if I did know of it I should have changed them very quickly.

Mr. DUNN. I mean with reference to the performance of the duties each day; I do not refer to general instructions, but as to the immediate work there. When hogs were to be inspected while alive and killing was also going on, had Dr. Schirmer the authority to say to Mr. Holmes "You quit this particular work now and go and perform that duty?"

Dr. AYER. No, sir.

Mr. DUNN. He had not?

Dr. AYER. No, sir; he had not that authority.

Mr. DUNN. Will you tell the committee what instructions or authority Dr. Schirmer had with reference to Mr. Holmes's work?

Dr. AYER. It is like this: In case Mr. Holmes found an animal as to which he was not certain what disposition should be made, he could call Dr. Schirmer to settle it, and that would be Dr. Schirmer's duty. It would be Mr. Holmes's duty to call in Dr. Schirmer.

Mr. DUNN. Was that all the authority Dr. Schirmer had in reference to Mr. Holmes?

Dr. AYER. That is about all that in the nature of work would come up.

Mr. DUNN. That, then, was practically all the connection there was between Dr. Schirmer and Mr. Holmes?

Dr. AYER. That would be about all that would come up.

Mr. DUNN. Was that true during all the time while Dr. Schirmer was in the house, and while Mr. Holmes worked in the department?

Dr. AYER. It was supposed to be.

Mr. DUNN. What is the fact?

Dr. AYER. Yes, sir; that was my instruction from the beginning. When I assumed control I laid down the rules to those under me as to how they should do the work, and when I found it being performed in that way I was satisfied, and when I found it was not I was not satisfied; and no matter whether it was an inspector or a stock examiner or a tagger, it was my duty to put him on to his work right.

Mr. DUNN. You say that Mr. Holmes at different times was found out of his proper position when inspecting dead hogs?

Dr. AYER. Yes, sir; repeatedly, in doing post-mortem work.

Mr. DUNN. His duty was to discover, from an inspection of the entrails of the hog, whether or not it was diseased?

Dr. AYER. Yes, sir; that is one of the most essential parts—to see the viscera, the lungs, the heart, the liver, the intestines.

Mr. DUNN. And he had to stand——

Dr. AYER. From that he gets an impression as to——

Mr. DUNN. I do not want any explanation.

Dr. AYER. It was his duty to stand there and make the inspection.

Mr. DUNN. He had to be close enough so that he could make a personal inspection of it?

Dr. AYER. Yes, sir.

Mr. DUNN. Now, what was his duty, besides that inspection, while inspecting dead hogs?

Dr. AYER. That is all he would have to do.

Mr. DUNN. You say you went there at different times and found him out of his department, performing no duty whatever?

Dr. AYER. Out of his place; in a position where it would be wholly impossible for him to see the condition of the hogs as they were passing.

Mr. DUNN. During those times was he performing any duty at all for the department?

Dr. AYER. No, sir.

Mr. DUNN. Was he pretending to make, or trying to make, an inspection of the dead hogs from where he was?

Dr. AYER. He could not have made an inspection from where he was.

Mr. DUNN. The result of that would be that a great many hogs might pass through the department which ought to be rejected, and which were not rejected by reason of his negligence?

Dr. AYER. There was a good chance that such a thing would occur.

Mr. DUNN. Have you any way of determining whether such was the case?

Dr. AYER. No. After the hogs had passed him they go to what we call the cooler, and they go away, so that there would be nobody to know, nobody to see.

Mr. DUNN. There was no after inspection?

Dr. AYER. There was no after inspection for the hog after he passed. The inspection was settled at the point which I described, where it was Mr. Holmes's duty to stand. There is no trouble there, but after they get past him there is no one to take it up.

Mr. DUNN. There was absolutely no way by which the Department could determine whether a hog had been passed by Mr. Holmes which should not have been passed. There was no further inspection which would determine?

Dr. AYER. There would be no further chance to know anything about it unless it was accidentally run on to.

Mr. DUNN. About how often during the time that Mr. Holmes worked there in the classified service did that occur?

Dr. AYER. It was quite a common thing with him.

Mr. DUNN. Can you not give some estimate of how often—once a week or once a day or twice a day or something of that kind?

Dr. AYER. A great many times I found him away from his place, so that it would be impossible to do his duty; yes, a good many times.

Mr. DUNN. What is your definition of "a good many times?"

Dr. AYER. Fifteen or twenty, twenty-five or thirty; anywhere along there.

Mr. DUNN. That occurred within a period of how many months or years?

Dr. AYER. Two or three years.

Mr. DUNN. Doctor, whose duty was it to report the negligence or incompetency of employees in the department?

Dr. AYER. It was my duty to know. If an inspector at the house should feel disposed to see such negligence, it would be his duty to report it to me.

Mr. DUNN. After you learned from somebody else that one of the employees of the Government was incompetent and negligent was it your duty to report it to anybody?

Dr. AYER. After I learned from somebody else? After I learned it, it was my duty to try to make the employee do his duty.

Mr. DUNN. I insist upon your answering the question.

Dr. AYER. All right. I did not learn from anybody else.

Mr. DUNN. Did you not say a moment ago that if the inspector, either at the house, or this man——

Dr. AYER. If I should learn——

Mr. DUNN. Wait until I ask the question. Did you not say that if an inspector saw that a man was neglecting his duty it would be his duty to report it to you?

Dr. AYER. Yes, sir.

Mr. DUNN. Did anybody ever report to you in the case of Mr. Holmes?

Dr. AYER. Now you want to understand——

Mr. DUNN. Answer the question.

The CHAIRMAN. I suggest that the question can be answered "yes" or "no."

Dr. AYER. All right; no. Now let me make an explanation: Understand, Mr. Holmes worked in the house directly under me for a year.

Mr. DUNN. During that time what you learned about him you learned from personal observation?

Dr. AYER. I had him to instruct.

Mr. DUNN. You learned it from personal observation?

Dr. AYER. Certainly.

Mr. DUNN. Was there anybody chief over you at the time you were in the house and when he worked under your personal direction?

Dr. AYER. For a part of the time Dr. Blackwell was chief, and for a part of the time there was no chief. Each abattoir was a department in itself.

Mr. DUNN. There was no general chief, such as you are now?

Dr. AYER. No.

Mr. DUNN. When you first entered the employ of the Bureau at South Omaha Mr. Holmes's reports were made not to you but to Dr. Blackwell?

Dr. AYER. Oh, no.

Mr. DUNN. Do you mean that Mr. Holmes was under your personal direction ever since he first was in the department?

Dr. AYER. I think you are getting further back than you want to go.

Mr. DUNN. I am asking the question. Please answer it.

Dr. AYER. A year before we went under the civil-service rules——

Mr. DUNN. I do not care to go back to that time. The time to which you refer when you were in the house was before the department went under the civil service?

Dr. AYER. Yes, sir.

Mr. DUNN. When you learned from personal observation that Mr. Holmes was neglecting his duty and not performing the work, did it then become your duty to report that fact to any higher authority?

Dr. AYER. At that time I was supposed to get along with the men who were furnished me.

Mr. DUNN. Answer the question.

Dr. AYER. I will say no, and then explain it. I was supposed to get along with the men. I will say at one time no, and afterwards yes. I am now held absolutely responsible if I fail to report.

Mr. DUNN. Was it your duty to report such negligence or incompetency at any time up to the time that Mr. Holmes quit the department or was discharged?

Dr. AYER. No, except as I would report the work to traveling agents on their visits as they came around inquiring of me as to the value of this man; what he was worth; how good he was, etc.

Mr. DUNN. You had no other instructions from the Department to report negligence or incompetency?

Dr. AYER. Perhaps at that time no.

Mr. DUNN. You say perhaps no?

Dr. AYER. Perhaps no.

Mr. DUNN. What is the fact?

Dr. AYER. I can not say, for I can not remember the date of the last order.

Mr. DUNN. Were the instructions which you received, to report to the traveling agents, direct from the Department in writing or were they contained in some rule of the Department?

Dr. AYER. My instructions from the Department are to answer all questions of traveling inspectors, to receive suggestions, but to act upon nothing but an order from the Chief of the Bureau. So, in such cases as you refer to, my duty would be to give whoever was present, when he asked me in regard to Mr. Holmes, a correct impression of his work.

Mr. DUNN. During this same period was there anybody else under your directions authorized to report anything of that kind direct to the Department?

Dr. AYER. No, sir.

Mr. DUNN. When did you first report to any traveling agent the facts regarding Mr. Holmes's negligence in the performance of his work and his negligence in not getting down to work and remaining there as long as was required by the rule?

Dr. AYER. I can not tell you. I can not state as to the time and date.

Mr. DUNN. To whom was it reported [a pause]. Did you ever report to anybody?

Dr. AYER. Yes, sir.

Mr. DUNN. To whom did you report?

Dr. AYER. What do you mean? Do you want to get at the rating business?

Mr. DUNN. No; I am asking you a question. To whom did you report about Mr. Holmes's negligence in the performance of his duty—his failure to obey your instructions?

Dr. AYER. I made no written report to anybody.

Mr. DUNN. Did you make a verbal report?

Dr. AYER. Yes.

Mr. DUNN. When?

Dr. AYER. I can not tell you.

Mr. DUNN. To whom?

Dr. AYER. To the traveling inspector.

Mr. DUNN. Which one?

Dr. AYER. Probably Dr. Devoe would be the one most likely to come at those times asking and inquiring in regard to the value of such persons.

Mr. DUNN. Will you state what time your department was put into the classified service?

Dr. AYER. Two years ago somewhere along last June or July.

Mr. DUNN. Do you know whether any reports were made by you to anybody prior to that time?

Dr. AYER. No, I do not.

Mr. DUNN. How soon after July, 1895, if you remember, or as near as you can state, was the first report of Mr. Holmes's action made by you to the Department—that is, to the traveling agent?

Dr. AYER. I could not tell you.

Mr. DUNN. Can you not give any idea at all; approximately?

Dr. AYER. They would probably find out from me what I thought of each and every man whenever they came around.

Mr. DUNN. We are trying to fix the time when the inspector came around.

Dr. AYER. Every six months, or such a matter.

Mr. DUNN. From what time, the first of the year, and every six months thereafter?

Dr. AYER. Twice a year; three times perhaps.

Mr. DUNN. About what time in the year?

Dr. AYER. They were liable to come at any time.

Mr. DUNN. That is as near as you can come to it?

Dr. AYER. Yes.

Mr. DUNN. So your report should first have been made in the fore part of 1896, or the latter part of 1895, or the latter part of 1896, as far as you can now remember?

Dr. AYER. They could get these impressions all along at those different times.

Mr. DUNN. I am asking you what you did.

Dr. AYER. I do not want you to understand that I make a report in writing concerning such an individual.

Mr. DUNN. I do not.

Dr. AYER. When the inspector goes around with me to examine my work I make a verbal report to him as to the worth of the party.

Mr. DUNN. I understand that perfectly.

Dr. AYER. All right.

Mr. DUNN. I assure you on that proposition. I want to know if you can give the time when you first made a report of Mr. Holmes's work to the traveling inspector?

Dr AYER. I made the reports as to the work of each man at all times whenever the inspectors would come around.

Mr. DUNN. Can you not come within two years of the time when those reports were made.

Dr. AYER. I can not state to a date.

Mr. DUNN. I do not ask to a date. I ask you within two years. Can you tell us within two years of the time? Did you make such a report prior to the 1st day of January, 1896?

Dr. AYER. Probably.

Mr. DUNN. How often thereafter did you make reports, if you made more than one?

Dr. AYER. I do not see that I can explain it any better than by telling you that whenever the inspector came and went around examining the work and asking as to the value of this and that man, my state-

ments to him were what I thought he was worth and what he was doing and how he was doing it.

Mr. DUNN. Was your statement to the Department, in regard to Mr. Holmes, every time the traveling agent came along, two or three times a year, as you say, from July, 1895, up to the time he was discharged, that he was worth to the Department 50 per cent of what he ought to be?

Dr. AYER. No.

Mr. DUNN. Had you formed an estimate when the first report was made of what he was worth to the Department?

Dr. AYER. I had a pretty good estimate of what the man was worth. I broke him in.

Mr. DUNN. Did you make an estimate to the inspector then?

Dr. AYER. It was not brought out in that way—50 per cent or any per cent. It was not expressed in that way.

Mr. DUNN. How was it expressed? By a general statement of what he was doing and what he was failing to do?

Dr. AYER. By a general statement of the man's work.

Mr. DUNN. Did you state to the inspector each time from 1895 to the time Mr. Holmes was discharged that he was continually neglecting his work and continually failing to be there on time?

Dr. AYER. Not altogether.

Mr. DUNN. Did you not state to them the facts each time?

Dr. AYER. I stated the facts.

Mr. DUNN. Have you not testified that that was the fact from this time on continually?

Dr. AYER. I do not think so.

Mr. DUNN. What is it now? Was it or was it not the fact from 1895 to the time of his discharge that he was neglecting his duty in the way you have described?

Dr. AYER. Yes, sir; more or less, he was.

Mr. DUNN. Did you so state to the traveling agent when he came along?

Dr. AYER. I gave the traveling agent an impression of just exactly what the man was—Holmes as well as every other man.

Mr. DUNN. We want to know what that impression was.

Dr. AYER. That he could not be the best man in the world at that kind of business. He is a lawyer by profession.

Mr. DUNN. You do not know that to be a fact?

Dr. AYER. That was the report when he came there. I think he told me he was a lawyer. He had the whole business to learn.

Mr. DUNN. That is all true.

Dr. AYER. And it took time to learn it.

Mr. DUNN. What impression do you refer to when you say you gave a certain impression to the traveling agent regarding Mr. Holmes? What was that impression?

Dr. AYER. As to his worth.

Mr. DUNN. As to his worth?

Dr. AYER. About what he would be worth; about the way he did his work.

Mr. DUNN. I want to know what that was. Was it that he was continually neglecting his work as you have already described, or that he was sometimes performing it properly and sometimes neglecting it, or what was it?

Dr. AYER. Sometimes he performed his work very properly. I do not think I stated that I found him always away from his work, but that I repeatedly found him away.

Mr. DUNN. You so stated to the traveling agent?

Dr. AYER. I did.

Mr. DUNN. The first time you were called upon to report as to Mr. Holmes, after the office was put into the classified service——

Dr. AYER. Mind you, we were not called upon to make a report.

Mr. DUNN. I mean the verbal statement in answer to the questions of the agent. Did you so state to him the first time you were asked verbally by the agent?

Dr. AYER. What kind of a man he was?

Mr. DUNN. Yes, sir.

Dr. AYER. I gave him my impression, whatever it was.

Mr. DUNN. That impression was that Mr. Holmes was more or less neglecting his work and disobeying your orders. Is that correct?

Dr. AYER. Yes, sir, it would be.

Mr. DUNN. Was it?

Dr. AYER. Yes.

Mr. DUNN. Do you know whether it is the duty of the inspector of the Department to send those reports to the Department, and do you know whether he did so?

Dr. AYER. I do not know. I presume the inspectors sent the reports.

Mr. DUNN. How soon after the rating to which you have referred was made was Mr. Holmes discharged, if you know?

Dr. AYER. A month and a half, I should think. I can not tell you exactly, but it is something like that. It was shortly after the rating was made.

Mr. DUNN. How soon after the last national election was the rating made?

Dr. AYER. I could not tell.

Mr. DUNN. Was it before or after the election?

Dr. AYER. After, I should think.

Mr. DUNN. Did you ever see Secretary Morton personally, and report to him the standing and competency of the different employees in the Department under your control?

Dr. AYER. Directly to Secretary Morton?

Mr. DUNN. Yes.

Dr. AYER. No.

Mr. DUNN. Personally to him?

Dr. AYER. No.

Mr. DUNN. Did you ever file a written report with the Department as to the general qualifications of any one individual, or of all of the employees, in the department—I mean since the department went into the classified service?

Dr. AYER. A written statement to the Department?

Mr. DUNN. Yes, sir; in Washington.

Dr. AYER. No. I will say no, and then I wish an opportunity to make that straight.

Mr. DUNN. To explain what "no" means?

Dr. AYER. Yes.

Mr. DUNN. All right.

Dr. AYER. I say no, unless you refer to the rating to which you have made reference.

Mr. DUNN. Outside of the rating?

Dr. AYER. No.

Mr. DUNN. Then Mr. Holmes's standing, so far as the Department in Washington is concerned, is based upon what you stated to the traveling inspectors, and upon the rating made by you?

Dr. AYER. Probably.

Mr. DUNN. What is the fact, if you know?

Dr. AYER. Yes, sir; I presume that to be the case.

Mr. DUNN. Do you not know what the case is? Are you not in a position to know?

Dr. AYER. I think so.

Mr. DUNN. What is the fact, then?

Dr. AYER. This rating was made for a basis upon which to build.

Mr. DUNN. I am asking you whether there was any data or any inspection by anybody else of Mr. Holmes's conduct upon which the discharge, on the ground that he was incompetent, could have been based, other than your statement to the traveling inspectors and the rating made by you.

Dr. AYER. I do not think so.

Mr. DUNN. Nobody else inspected his conduct?

Dr. AYER. No, sir.

Mr. DUNN. The traveling inspectors to whom you refer, who would go into the different houses, did not inspect the conduct of each man individually?

Dr. AYER. Yes; they might do that.

Mr. DUNN. They could see probably a day's work or one act possibly?

Dr. AYER. They would do so very often. That was part of their business. Sometimes they would appear and be on the ground perhaps three or four days before they made themselves known at all.

Mr. DUNN. Do you know whether or not the action of the Department, so far as Mr. Holmes is concerned, was in fact based upon your statement and your rating, or on knowledge gained by the traveling inspectors individually?

Dr. AYER. So far as Mr. Holmes is concerned, probably from traveling inspectors and my rating as well.

Mr. DUNN. I am not asking you to guess at it. Do you know what is the fact? I do not want you to tell if you do not.

Dr. AYER. I suppose it to be the case.

Mr. DUNN. I am not asking you to suppose. I ask if you know whether the discharge was made upon your report and your rating or was it partially based upon something else?

Dr. AYER. It might have been partially based upon something else.

Mr. DUNN. I am asking you whether you know.

Dr. AYER. I do not know how I can answer the question.

Mr. DUNN. Do you or do you not know whether that is the fact?

Dr. AYER. I presume it is the fact.

Mr. DUNN. What is the fact?

Dr. AYER. That it was upon both—upon the impression from the traveling inspectors and also upon the rating made by me.

Mr. DUNN. What leads you to presume that such is the fact? Have you any knowledge on that score which leads you to believe that?

Dr. AYER. The general business knowledge of the department.

Mr. DUNN. Just a sort of general knowledge of the department?

Dr. AYER. Knowledge of the way the department is run.

Mr. DUNN. Who made the rating?

Dr. AYER. I did.

Mr. DUNN. How?

Dr. AYER. By the names of the different ones being called by the traveling inspector and my estimate being placed upon their value.

Mr. DUNN. That is purely your judgment as to their competency in the department?

Dr. AYER. Yes, sir.

Mr. DUNN. Did you take any particular acts of negligence or any special line of conduct and use them or it as data upon which to base your opinion?

Dr. AYER. I took their work as I had seen it from time to time and from day to day, from the time they began their work up to that day.

Mr. DUNN. When was the rating made?

Dr. AYER. You asked me whether it was before or after the election, and I said it was after the election. I would not be certain.

Mr. DUNN. Had you preserved from time to time any memorandum of the general character of Mr. Holmes's work as you had found it from day to day?

Dr. AYER. No, sir; it was in my mind.

Mr. DUNN. Had you preserved any memorandum of the different times when you saw him away from his work or neglecting to carry out your orders?

Dr. AYER. I never kept a memorandum.

Mr. DUNN. Was Mr. Holmes required to render a report to you or to somebody else of the work which each day he performed?

Dr. AYER. Yes.

Mr. DUNN. Did you find any fault with those reports?

Dr. AYER. I had to accept them as he gave them.

Mr. DUNN. That is not the question. Did you make any complaint of those reports?

Dr. AYER. If you understood the nature of the report you would see that I could not.

Mr. DUNN. Did you or did you not?

Dr. AYER. No. Now I wish to explain.

Mr. DUNN. All right.

Dr. AYER. Suppose Mr. Holmes made a report to me that he had done post-mortem work on a thousand hogs; that he had condemned five for cholera. I have to accept that as being the case. I might not have come along at the time he was condemning those hogs, and they might all have been condemned, not to be passed, and I would not have seen them at all, and I accept his report as being all right. Why? If it was not, if they had not cholera or were not diseased—if they did not have cholera or any other disease—the packers themselves or their head butchers would not allow it, as they know a cholera hog or a diseased one as well as Mr. Holmes or anybody else. They would not allow the hogs to be condemned without making trouble about it and asking us to look into it.

Mr. DUNN. That is your statement as a competent man in the department, that if Mr. Holmes failed properly to inspect a hog, the packers themselves would discover it and throw it out?

Dr. AYER. No; I do not want you to understand it that way. If it should not happen to have been seriously diseased, if it was a hog not sufficiently diseased to be condemned, then they would question it very quickly. If it was, it would pass.

Mr. DUNN. What do you mean by "pass?"

Dr. AYER. Pass the inspector as being condemnable.

Mr. DUNN. Generally speaking, Mr. Holmes might have been either a good or bad inspector, and you were not in a position to tell whether he was or was not? Is not that true, so far as the actual performance of his duties was concerned in rejecting or passing unfit hogs?

Dr. AYER. Yes. You may say he could shut his eyes and allow everything to pass him, and I could not tell it unless I happened to be coming around.

Mr. DUNN. Was there anybody else—the superintendent or anyone in charge of the house—who was in a position to investigate the matter more closely than you were?

Dr. AYER. There was an inspector there who had duties to perform on beef similar to those of Mr. Holmes, but unless Mr. Holmes would call him he would probably not see him very often.

Mr. DUNN. There was nobody else to oversee any part of Mr. Holmes's work who might detect his omission to condemn hogs when you were not in a position to discover it?

Dr. AYER. Yes.

Mr. DUNN. Who was that?

Dr. AYER. Dr. Schirmer might possibly.

Mr. DUNN. Did he ever make a complaint to you that Mr. Holmes was neglecting his duty or failing properly to perform his duty?

Dr. AYER. He did not. He attended to his own business.

Mr. DUNN. Was it not his duty to make such report to you if he had discovered anything of the kind?

Dr. AYER. If he had seen it, certainly.

Mr. DUNN. He was in and about the place overseeing things generally, so that he was likely to have seen it, in fact more likely to have seen it, had it occurred, than you were?

Dr. AYER. He might have been more likely to see it, although I went through there very often myself as well as he was. I want you to understand how Dr. Schirmer would be affected.

Mr. DUNN. Is it not a fact that Dr. Schirmer, when cattle were not actually being killed, was stationed upon the same floor where Mr. Holmes was performing his duties as inspector?

Dr. AYER. No; he would not be. When they were not killing beef, he would not be placed on the same floor with Mr. Holmes unless Mr. Holmes would call him.

Mr. DUNN. Where would he be?

Dr. AYER. He would be about the house attending to any other duties he might have.

Mr. DUNN. Did you say he did not have any duties to perform on that floor?

Dr. AYER. He would not be compelled to stay there with Mr. Holmes.

Mr. DUNN. No, he would not be compelled to remain; but I ask you whether or not he had any duties to perform on the floor at any time while Mr. Holmes was performing his labors?

Dr. AYER. Yes.

Mr. DUNN. Then he would have to be there at least a part of the time?

Dr. AYER. If Mr. Holmes called him.

Mr. DUNN. Without Mr. Holmes calling him at all, was it not his duty to be there part of the time?

Dr. AYER. Probably he would be there part of the time.

Mr. DUNN. And did not his duty require him to be upon that floor, regardless of Mr. Holmes, while Mr. Holmes was performing his duties as inspector both of dead and live hogs?

Dr. AYER. No; not all the time.

Mr. DUNN. I did not ask you about all the time. I asked you if such was not his duty part of the time.

Dr. AYER. Part of the time.

Mr. DUNN. Then he would keep his eyes open, and if he did he could see what Mr. Holmes was doing? There was no obstruction to prevent him from seeing what Mr. Holmes was doing?

Dr. AYER. Not if he was on the floor where Mr. Holmes was.

Mr. DUNN. I am talking about when he was on the floor, and not down in the cellar. He could see Mr. Holmes when he was on the floor?

Dr. AYER. He might be on the floor and not be able to see Mr. Holmes.

Mr. DUNN. Do you mean if he was locked up in a closet or if he had his back turned?

Dr. AYER. Neither. It is a large floor, and it would be impossible for him to see what Mr. Holmes was doing, if there was a large killing hung, unless he was very near to Mr. Holmes.

Mr. DUNN. He would be very near to him?

Dr. AYER. He might be.

Mr. DUNN. Was it not a part of his duty as general superintendent in the Bureau of Animal Industry in that house to keep a lookout as to how the employees were performing their duties?

Dr. AYER. It was.

Mr. DUNN. And it was his duty, if he discovered anyone failing properly to perform his duty, to report it to you?

Dr. AYER. It would be.

Mr. DUNN. He never made any such report to you at any time while Mr. Holmes was in the department?

Dr. AYER. I do not know that I ever received such a report.

Mr. DUNN. I want to know whether he did or did not?

Dr. AYER. No; he did not.

At 12 o'clock and 45 minutes p. m. the subcommittee took a recess until 3 o'clock p. m.

AFTER RECESS.

At the expiration of the recess the subcommittee resumed its session.

TESTIMONY OF DR. DON C. AYER—Continued.

Dr. AYER. I should like to make a statement before we go any further, if it is permissible.

The CHAIRMAN. We shall be glad to hear any statement you wish to make.

Dr. AYER. I should like to make a statement in regard to receiving reports from inspectors at abattoirs previous to the time when Dr. White was discharged. I do not think I would have got a report of misconduct or inefficiency from any inspector at any abattoir or from Dr. White himself. Since Dr. White's discharge I have received reports from two different abattoirs relative to misconduct, and the parties have been discharged from the department for drunkenness.

I will further state that the efficiency of all the men is 50 per cent better than before the discharge of Dr. White.

The CHAIRMAN. I should like to ask you one question. Do I understand you to say that it is your opinion that Dr. White suppressed information which he should have given you?

Dr. AYER. Yes, sir; I think so. I think his influence was such over those men that they would not have reported to me the inefficiency or misconduct of any person under their immediate supervision.

The CHAIRMAN. You think it is due to the influence he exerted over them?

Dr. AYER. I do.

Mr. DUNN. Is it your opinion that Dr. Schirmer suppressed any report which he should have made or any information that might have

come to his knowledge which should have been given to you, in regard to the inefficiency of Mr. Holmes?

Dr. AYER. I do not think he would then have given me any information regarding Mr. Holmes.

Mr. DUNN. Even if——

Dr. AYER. Even if he knew it himself. I mean previous to the discharge of Dr. White.

Mr. DUNN. Has your rule been changed on that proposition since that time?

Dr. AYER. No, sir.

Mr. DUNN. Do you think he would now give any such information?

Dr. AYER. He would now.

Mr. DUNN. What has been the cause of the change?

Dr. AYER. The discharge of Dr. White showed that others could be discharged. Before that it was the impression that nobody could be discharged who was friendly to Dr. White, on account of his influence with Secretary Morton. That action, I think, was salutary.

Mr. DUNN. So the discharge of Dr. White, in your judgment, has had a salutary effect upon the carrying on of the business of the department at South Omaha in general?

Dr. AYER. It has had, in my judgment.

Mr. DUNN. Your judgment, then, is that the reports which now come to you from the different heads of the department come to you not because those men are willing and desirous of performing their duty, but because they fear being discharged the same as Dr. White was? Is that your opinion of the employees of the Animal Bureau at South Omaha?

Dr. AYER. It proves that way, because others have been reported for misconduct, for drunkenness, and have been discharged, who in my judgment would not have been reported had not this change taken place.

Mr. DUNN. Is it your deliberate judgment that all of the employees and the heads of the department at South Omaha who have been there for the last three or four years would neglect their duty and fail to perform it except when urged so to do by the fear of discharge?

Dr. AYER. I think that has something to do with their duty.

Mr. DUNN. Are you able to form any opinion as to why the Government employees in the department would all willingly and deliberately fail to perform the duties of the department if not urged to do so by the fear of losing their positions?

Dr. AYER. Not all; some. There are some men who are working there who have done their duty thoroughly well.

Mr. DUNN. Did any of the heads of the department ever complain to you, prior to the time when Dr. White was discharged, on account of the failure of any of the other employees to perform their duty?

Dr. AYER. No; I do not think they would.

Mr. DUNN. They were all in that position?

Dr. AYER. Yes, more or less.

Mr. DUNN. All the heads of departments occupied that position?

Dr. AYER. They did, in my judgment.

Mr. DUNN. At whose suggestion or request was this rating made?

Dr. AYER. At the suggestion of Mr. Shelden.

Mr. DUNN. Where did Mr. Shelden formerly live?

Dr. AYER. In Nebraska City, I think.

Mr. DUNN. He was a direct appointment of J. Sterling Morton?

Dr. AYER. I presume so.

Mr. DUNN. Ed. Shelden was here at that time seeking information and evidence to uphold or sustain the discharges made in the department, which were then being investigated by the Civil Service Commission, or a demand had been made on the Civil Service Commission for an investigation of them. That is true, is it not?

Dr. AYER. I presume so.

Mr. DUNN. Do you not know that it is true?

Dr. AYER. I presume that to be a fact.

Mr. DUNN. Do you not know that to be a fact? Do you not know that it was after those persons had been discharged?

Dr. AYER. I do.

Mr. DUNN. And do you not know that Mr. Shelden had been there once and had on the quiet taken the affidavits of these other men who were there, for the purpose of showing that those persons were rightfully and properly discharged?

Dr. AYER. He came there twice.

Mr. DUNN. He had been there the first time and had taken these affidavits before the rating was made?

Dr. AYER. I will not be sure whether the rating was made before or after.

Mr. DUNN. Before or after the first or second visit?

Dr. AYER. I can not tell, but I should think it was before.

Mr. DUNN. Can you tell the committee who informed Mr. Shelden what persons to go and see and whose testimony to get with reference to the former employees?

Dr. AYER. I do not know.

Mr. DUNN. Do you know whether anybody in your employ did it?

Dr. AYER. I do not know.

Mr. DUNN. Can you explain how it was that Mr. Shelden in seeking evidence consulted only persons whose testimony justified the discharge of those employees?

Dr. AYER. I do not know.

Mr. DUNN. Can you tell why it was, or do you know why it was, that Mr. Shelden did not question any of those who had been discharged or any of their friends who might have given testimony favorable to them?

Dr. AYER. I think he did question them.

Mr. DUNN. Who—any of the discharged employees?

Dr. AYER. It strikes me he questioned Mr. Beal. I am under that impression.

Mr. DUNN. When was that, and with reference to whom?

Dr. AYER. I do not know.

Mr. DUNN. Is it not a fact that you read those affidavits before they were sent on?

Dr. AYER. No, sir; I did not.

Mr. DUNN. You read only yours?

Dr. AYER. Yes, sir.

Mr. DUNN. Is it not true that the only questions he propounded to Mr. Beal was while Mr. Beal was still in the employ of the department, and that those questions were directed to the conduct of Dr. White, and does not the record so show and have you not read it since it was published?

Dr. AYER. I will not be sure. I was under the impression when I referred to Mr. Beal that Mr. Beal was then discharged.

Mr. DUNN. Who actually made this rating?

Dr. AYER. I made the rating.

Mr. DUNN. With whose assistance?

Dr. AYER. Mr. Shelden called the names and asked me the value to be placed upon each one relative to his work as inspector or stock examiner, etc., and I made the rating.

Mr. DUNN. You never before received any information from the department that you would be expected to keep any memorandum or record of the work of the different employees there for the purpose of making an intelligent rating?

Dr. AYER. That was the first rating made, I think.

Mr. DUNN. Was it the first intimation you ever had?

Dr. AYER. I can not remember any other. There might have been, but I can not recall it.

Mr. DUNN. Who told you on what basis the rating should be made, and how you were to determine the rate of each?

Dr. AYER. Mr. Shelden.

Mr. DUNN. What did he tell you was the basis?

Dr. AYER. Any part of 100—from 1 to 100.

Mr. DUNN. On what basis—the number of days a man had worked, the way he had performed his duty, or the number of times he was absent, or the number of mistakes he had made, or from the standpoint of the number of times during the year he had failed to perform his duties properly?

Dr. AYER. The general worth of the individual in the place which he filled, according to my judgment.

Mr. DUNN. What do you mean by general worth—per pound or daily labor to the Government?

Dr. AYER. Daily labor to the Government; his efficiency.

Mr. DUNN. Would not that depend upon the number of hours he worked? Did you have certain hours?

Dr. AYER. No; there are no certain hours beyond this, that the hours begin and close with the killing in the packing houses and from 7 until 3 in the hog yards and cattle yards, the opening and closing of the scales.

Mr. DUNN. Mr. Shelden read over the names and you simply expressed to him your individual judgment, based upon what you remembered, as to the general character of the work of the different men?

Dr. AYER. Yes, sir.

Mr. DUNN. You rated Mr. Holmes at 50 per cent?

Dr. AYER. Yes, sir.

Mr. DUNN. That is, you intended to convey the impression to Mr. Shelden that Mr. Holmes in the department was worth only half as much to the Government as some other man who was a good man?

Dr. AYER. That is the idea.

Mr. DUNN. What is your conception of what a man ought to be?

Dr. AYER. A man who thoroughly does his work day by day.

Mr. DUNN. And who does the work day by day and never makes a mistake at all?

Dr. AYER. Oh, no.

Mr. DUNN. How many mistakes might a man make in a month and what kind of mistakes, and still be worth 100?

Dr. AYER. There is not very much need for him to make many mistakes.

Mr. DUNN. How many mistakes would you consider it necessary for a man to make so that he would be entitled to a rating of only 50 per cent? Have you any conception or any idea of that, or did you have at that time?

Dr. AYER. I rated them——

The CHAIRMAN. Just explain the method by which you arrived at the qualifications of the parties.

Dr. AYER. I took into consideration the work of each individual as it had been done so far as I knew, all things considered.

Mr. DUNN. Did you make any statement to the inspector in a general way as to how the different persons had performed their duties and say "upon that basis I think this man is worth 50 per cent?" or did you simply say, without any statement of his services, "this man is to be rated 50 per cent?" In other words, did you make any record and place it in the hands of the inspector upon which your estimate was based?

Dr. AYER. Of each man?

Mr. DUNN. Yes.

Dr. AYER. No.

Mr. DUNN. You simply said, "Mr. Shelden, you rate this man at 100 and that man at 50?"

Dr. AYER. Yes.

Mr. DUNN. Did you tell Mr. Shelden how you arrived at that conclusion and why you thought one man was worth 50 and another 100?

Dr. AYER. I did. I explained to him why I rated a man 50 and why I rated another at more than that.

Mr. DUNN. In rendering that statement to Mr. Shelden, you covered the entire department?

Dr. AYER. Yes, sir.

Mr. DUNN. And Mr. Shelden took those reports back to Washington? He took all the ratings to Washington?

Dr. AYER. I suppose he did; that was his duty.

Mr. DUNN. It was upon that rating, together with other reports which you had made verbally to traveling agents, that Mr. Holmes and the others were discharged?

Dr. AYER. I suspect that is the fact, sir.

Mr. DUNN. That rating did take place after the last general election, did it not?

Dr. AYER. I think it did.

Mr. DUNN. The rating did take place after Dr. White, Mary Flynn, Mary Dalton, George Seay, and others were discharged?

Dr. AYER. I do not think George Seay was discharged before the rating took place; that is my impression.

Mr. DUNN. George Seay was a clerk?

Dr. AYER. No sir.

Mr. DUNN. What was his business?

Dr. AYER. He acted as stock examiner.

Mr. DUNN. I think you stated in your examination to-day that you do not know anything about the politics of the different persons, and that politics so far as you are concerned cuts no figure.

Dr. AYER. It does not.

Mr. DUNN. I think you stated under oath, did you not, that you did not know what the politics of the different persons was. Was that your statement, or am I mistaken about it?

Dr. AYER. Unless I talked with a man I would not know.

Mr. DUNN. You might hear him talk to somebody else?

Dr. AYER. I would have an impression from what he said.

Mr. DUNN. In your examination before Mr. Huston did you not testify to both statements, first, that you did not know anything about the politics of the parties and, second, that they all voted for Mr. Bryan?

Dr. AYER. I do not think so.

Mr. DUNN. Was not this question put to you by Mr. Huston: "I believe they were all supporters of Mr. Bryan, were they not, during the late Presidential campaign?" And did you not answer as follows: "I can not say. I do not know anything about that. I presume that is the fact, but I do not know how many of them voted."

Dr. AYER. I presume that to have been my answer.

Mr. DUNN. Were you not then asked this question: "Have you got any supporters of Mr. Bryan on your force now?" And did you not answer: "Yes, sir."

Dr. AYER. I do not, of course, remember the questions or the answers.

Mr. DUNN. Were you not asked this question: "About how many of your present force supported Mr. Bryan during the last campaign?" And did you not answer: "Sixteen, if you include the women." Do you remember whether that question was asked you and whether you made the answer I have read?

Dr. AYER. I do not.

Mr. DUNN. Answer the question now. How many of the force that you had in your employ while Mr. Huston was here and conducted the examination supported Mr. Bryan in the last campaign?

Dr. AYER. I could not tell you how many supported or voted for Bryan, or how many did not vote for him?

Mr. DUNN. Then, if you made the statement I have read, you might have been mistaken?

Dr. AYER. It is pretty hard for a man to say how another man votes. A man may talk one way and vote another.

Mr. DUNN. Do you not know that every man who was discharged from the department, either during the campaign or since the campaign, was a Bryan supporter, and that nobody but Bryan supporters have been discharged?

Dr. AYER. I do not know.

Mr. DUNN. You do not know now whether you told Mr. Huston just how many Bryan supporters were still in the employment of the Bureau of Animal Industry, and you do not remember telling him at that time that all of those who were discharged were Bryan supporters?

Dr. AYER. I do not recollect it.

Mr. DUNN. You say that politics had not anything to do with the the running of the department?

Dr. AYER. Not since we went under the civil service.

Mr. DUNN. You were under the civil service in 1896?

Dr. AYER. Yes, sir.

Mr. DUNN. It had something to do with it prior to that time?

Dr. AYER. Before that it was all politics.

Mr. DUNN. I think you said this morning that you did not give your consent to certain men attending a county convention on the afternoon of April 11, 1896, and that you did not excuse them for that purpose?

Dr. AYER. I never did.

Mr. DUNN. Do you know why it was that Euclid Martin, postmaster of the city of Omaha, and commonly known as the patronage disperser of the late Administration for the State of Nebraska, when writing to the employees of the Bureau of Animal Industry always addressed the letters in your care?

Dr. AYER. I do not.

Mr. DUNN. Do you swear now that since 1895 you have never had any conversation upon political matters with Euclid Martin, James B. Sheean, or W. D. McHugh about the men employed in the department?

Dr. AYER. Since we were under civil service, relative to politics? No, sir.

Mr. DUNN. You never did?

Dr. AYER. No, sir.

Mr. DUNN. Is it not true that two men were discharged last fall, and that Euclid Martin went to you and talked to you about having those men put back, and that they were put back by you at his request?

Dr. AYER. I have no authority to put back anybody or to discharge anybody.

Mr. DUNN. They were simply suspended or paroled by you?

Dr. AYER. I have no such authority.

Mr. DUNN. Will you say he did not come to you and talk to you with reference to Mr. Sherlock and somebody else last fall when they were laid off for awhile, and were they not put back again after this consultation with you?

Dr. AYER. I do not remember anything of that sort, because I could not have done any such thing. I have no authority to put a man on the force or to take him off the force.

Mr. DUNN. Is it not true that one morning last spring, after Mr. Thomas Leddy and Mr. Sherlock were suspended or laid off from the department, you talked with Mr. Martin over the telephone regarding the suspension of those two men and with respect to putting them back to work?

Dr. AYER. I do not recollect any such talk.

Mr. DUNN. Will you swear that you did not?

Dr. AYER. I do not think I did.

Mr. DUNN. Will you say that during the last two years you did not have direct communication with Martin time and again about men in the department?

(The witness paused.)

The CHAIRMAN. Answer the question.

Dr. AYER. I do not have any recollection of talking to Euclid Martin over the telephone relative to Mr. Sherlock.

Mr. DUNN. That is not the question.

Dr. AYER. What is the question?

Mr. DUNN. Let the stenographer read the question.

The Reporter read the question as follows:

"Will you say that during the last two years you did not have direct communication with Martin time and again about men in the department?"

Dr. AYER. No.

Mr. DUNN. Now, you say you did have communication during the last two years with Mr. Martin regarding men in the department. Do you or do you not say so; which is it?

Dr. AYER. Yes.

Mr. DUNN. Was it of a political nature?

Dr. AYER. Necessarily no. I will say no, it was not of a political nature.

Mr. DUNN. You say no?

Dr. AYER. Yes.

Mr. DUNN. About whom were those communications?

Dr. AYER. Any communication with Mr. Martin which I now recall would be relative to the work of the individual in controversy, not as to politics, but as to his work in the department.

Mr. DUNN. Mr. Martin was interested about the way the individuals

in the department performed their work. Is that the idea you intend to convey?

Dr. AYER. I do not want to convey the idea that Mr. Martin ran the department, or that he interfered with the department at all.

Mr. DUNN. I want the facts. I do not care what you want to convey. What are the facts?

Dr. AYER. That is the fact; that he did not.

Mr. DUNN. Do you know why he communicated with you regarding the work of individuals in the department and about their work? How was he interested?

Dr. AYER. I can not tell you.

Mr. DUNN. Then you intend to tell the committee that Mr. Martin communicated with you at different times regarding different members of the department, but it was solely with reference to the kind of work they were doing and the performance of their duties as employees of the Bureau of Animal Industry. Is that it?

Dr. AYER. Yes.

Mr. DUNN. Is not this the fact: Did not Mr. Martin seek the discharge of certain men in your department under the classified service, and did you not go to his office on Sunday mornings, and did he not inquire of you at different times whether or not there was neglect on the part of an individual there that he might communicate it to Mr. Morton and have the man discharged? Was not that the purpose of his communication?

Dr. AYER. No, sir.

Mr. DUNN. What did he inquire about? What was the purpose of the inquiries?

Dr. AYER. Now, you say Sunday mornings, as if I was there every Sunday morning to talk with him. That is not the fact.

Mr. DUNN. How many Sunday mornings during the campaign were you at his private office in the post-office?

Dr. AYER. I do not recall any.

Mr. DUNN. What?

Dr. AYER. I do not recall any.

Mr. DUNN. You were not there at all?

Dr. AYER. I do not recall being there.

Mr. DUNN. Where did you have the communications with Mr. Martin about those men?

Dr. AYER. I do not know what communications you refer to.

Mr. DUNN. The communications to which you have testified. You said you had communications about those men in the department with reference to how they were performing their labors. I want to know where and how that communication came about.

The CHAIRMAN. State the circumstances attending the interview or interviews which you had with Mr. Martin.

Dr. AYER. I met Mr. Martin at different times—a few different times. He generally inquired as to how we were getting along, etc., but there was no political talk concerning employees, their politics, or anything of that sort, between us.

Mr. DUNN. He never asked you anything about what were the political opinions of the men there; whether they were taking any part in politics?

Dr. AYER. Nothing of any importance.

Mr. DUNN. Did he ever make any inquiries about their political conduct?

Dr. AYER. Before we were under the civil service?

Mr. DUNN. I am not asking about before, but during the last political campaign, in 1896?

Dr. AYER. I can not recall anything.

Mr. DUNN. Did you ever convey to him any information about the political conduct of any of the men in the department?

Dr. AYER. No.

Mr. DUNN. Never?

Dr. AYER. No.

Mr. DUNN. Nor to anybody else?

Dr. AYER. Not that I know of.

Mr. DUNN. You say that Mr. Holmes's reputation is bad?

Dr. AYER. I did not say particularly bad, that I know of.

Mr. DUNN. Upon what do you base that statement? Do you mean that he is a dishonest man?

Dr. AYER. No; I do not know that he is.

Mr. DUNN. Do you mean that he is a thief or a criminal or anything of that kind?

Dr. AYER. No.

Mr. DUNN. What do you mean when you say his reputation is bad?

Dr. AYER. I do not know that I stated that his reputation is bad.

Mr. DUNN. I call your attention to the fact that you did. Do you want to change it?

Dr. AYER. If I stated that his reputation is bad or criminal or anything of that kind, I will change it.

Mr. DUNN. What do you state about it now?

The CHAIRMAN. You stated that his general character was bad. You said you knew his character, which is his reputation.

Dr. AYER. I did not mean to state that I considered his general reputation bad.

Mr. DUNN. Did you mean to say that you considered that his character is bad?

Dr. AYER. No.

Mr. DUNN. You know that Miss Flynn and Miss Dalton were discharged on the ground of incompetency or inefficiency or something of that kind?

Dr. AYER. Yes.

Mr. DUNN. Do you remember the exact language of their discharges? Was it neglect of duty or failure to perform duty or something of that kind?

Dr. AYER. I could not say just what the exact language was.

Mr. DUNN. That is immaterial. Did they make reports direct to you? Did they have to make reports to your department directly?

Dr. AYER. They made reports to Dr. White, and Dr. White forwarded them to me.

Mr. DUNN. Are the reports made by the microscopists to the head microscopist, Dr. White, and then to you, sent to Washington?

Dr. AYER. Yes, sir.

Mr. DUNN. You say no complaint was ever made to you by Dr. White about either of those persons neglecting their duties?

Dr. AYER. And no others.

Mr. DUNN. Do you say, from your individual knowledge of the facts, that you ever stated to the Department or any agent of the Department that they had neglected their duties?

Dr. AYER. I do not think so.

Mr. DUNN. Was their work under the personal or general inspection of anybody else than Dr. White or yourself?

Dr. AYER. No.

Mr. DUNN. Do you know where the Bureau of Animal Industry at Washington got the information upon which to base the statement of neglect of duty against those two parties—Miss Dalton and Miss Flynn?

Dr. AYER. I do not.

Mr. DUNN. Do you, as chief of the Bureau of Animal Industry at South Omaha, know of your own knowledge whether they ever did neglect their duties? I wish to know.

Dr. AYER. No.

Mr. DUNN. Did you ever investigate their work while they were performing their labors?

Dr. AYER. No.

Mr. DUNN. How, if you know, was it possible for the Department at Washington to receive the information—that is, any official information—regarding the way in which Miss Dalton and Miss Flynn performed their duties, unless it came through yourself or Dr. White?

Dr. AYER. I do not know.

Mr. DUNN. Have you any opinion or idea where the Department got its information?

Dr. AYER. I have not.

Mr. DUNN. Did anybody ever make any charge against either of them for neglect of duty?

Dr. AYER. Not that I know of.

Mr. DUNN. No rating was ever made upon their work?

Dr. AYER. I think not. I think they were discharged before the rating was made, if my memory serves me rightly.

Mr. DUNN. Did not all the other girls in the department, after the election and at the time the rating was made, make their own rating?

Dr. AYER. No.

Mr. DUNN. And did you not adopt it?

Dr. AYER. No, sir; I do not think so.

Mr. DUNN. Did they not report to you; were not three or four of them called in, and did you not consult with three or four of them about what the rating of certain parties in the department should be?

Dr. AYER. I do not recollect it.

Mr. DUNN. Now you know whether you did or did not?

Dr. AYER. I do not think I did.

Mr. DUNN. Will you say you did not? I certainly do not know. Will you say you did not?

Dr. AYER. I do not think so—no.

Mr. DUNN. You might have done it and not know it?

Dr. AYER. That is not likely.

Mr. DUNN. Then why can you not tell whether or not you did it?

Dr. AYER. I do not recollect it.

Mr. DUNN. Do you know whether this rating was made for the purpose of subserving the interests of the Government or for the purpose of subserving political interests of individuals?

Dr. AYER. I suppose it was made in the interest of the Government and in the interest of the service.

Mr. DUNN. Do you know how it happened that they waited until after the election last year and then made this particular rating?

Dr. AYER. I do not.

Mr. DUNN. Do you know whether they made the same kind of ratings in other departments—departments of the same class throughout the country?

Dr. AYER. I understand they did in Chicago, Kansas City, and St. Louis.

Mr. DUNN. Did not Mrs. Bushnell and Miss Gibson make their own rating at that time, and were they not all rated at 100 by you; that is, did they not hand you their rating or say to you that they wanted that rating, and did you not put it in at 100?

Dr. AYER. No, sir.

Mr. DUNN. Do you know whether or not Mr. Holmes was rated before or after he was discharged?

Dr. AYER. Before, I think.

Mr. DUNN. Did you not testify a while ago that they were rated at the time when Mr. Shelden was here gathering evidence, and that it was at his request?

Dr. AYER. I did.

Mr. DUNN. Was not that after Holmes, Zeller, Beal, the Doctor and the two girls were discharged?

Dr. AYER. I think not. I think Dr. White and Mr. Zeller and the two girls were discharged after the rating was made.

Mr. DUNN. Have you the date of the rating?

Dr. AYER. I have not.

Mr. DUNN. Can you not give the date of the rating?

Dr. AYER. I can not.

Mr. DUNN. Do you know whether or not the Department has it?

Dr. AYER. I think it must have it, because Mr. Shelden had it. I kept a copy of it, but it disappeared.

Mr. DUNN. You made a copy of it?

Dr. AYER. I think so.

Mr. DUNN. Did you ever look over that copy and read it after you had made it?

Dr. AYER. I did.

Mr. DUNN. Has any other rating been made since the rating under Mr. Shelden?

Dr. AYER. Yes.

Mr. DUNN. When was it made?

Dr. AYER. I think some time about the first of the year.

Mr. DUNN. The first of this year?

Dr. AYER. Yes, sir.

Mr. DUNN. 1897?

Dr. AYER. I believe so.

Mr. DUNN. Were a number of persons whom you rated at 100 less efficient after the first rating than just prior to it?

Dr. AYER. Some of them were more efficient, I know.

Mr. DUNN. How about James Murphy, whom you rated at 100? I hand you a letter signed James Wilson, Secretary of Agriculture, and ask you whether or not you are responsible for the charges set forth in it with reference to the efficiency of James Murphy?

The letter referred to is as follows:

UNITED STATES DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D. C., July 31, 1897.

Mr. JAMES D. MURPHY,
c/o Dr. Don C. Ayer, over Packers National Bank,
South Omaha, Nebr.

SIR: The reports of the Chief of the Bureau of Animal Industry indicate that your reliability and adaptability to the service are not up to the requirements of the Department. The general average of your markings is low, and as it is necessary on account of the character of

the work and the limited appropriations to reorganize this force, in order to increase its efficiency to the highest point, I have asked for your resignation, and furloughed you without pay pending further orders. I have received your communication of the 26th inst. in reference to the manner in which you have discharged your duties, and if you have any further statement to make before final action is taken I shall be pleased to hear from you at your convenience.

Very respectfully,

JAMES WILSON,
Secretary.

Dr. AYER (after reading the letter). I can not say.

Mr. DUNN. You say you do not know?

Dr. AYER. I do not know. I do not remember just what it was at the time, but I do not think——

Mr. DUNN. The second rating was made after certain affidavits had been made by a number of employees there and sent to the Civil Service Commission with reference to the discharge of Dr. White and others.

Dr. AYER. The second rating?

Mr. DUNN. Yes.

Dr. AYER. Yes; afterwards.

Mr. DUNN. Is it not a fact that every individual in the department who made an affidavit or gave a statement under oath favorable to Dr. White or the other persons discharged at that time was rated lower on the second rating than on the first?

Dr. AYER. I do not know.

Mr. DUNN. Can you tell anything about the rating of Mr. Murphy?

Dr. AYER. I do not think Mr. Murphy's rating was ever below 80, according to my recollection.

Mr. DUNN. If the information, which evidently must have reached the Secretary of Agriculture, contained in that letter did not emanate from you, from whom at South Omaha could he have received that information?

Dr. AYER. I do not know.

Mr. DUNN. State whether or not from the time Mr. Murphy was rated the first time until the time of his discharge he was inefficient in any way or failed to perform the duties assigned him.

Dr. AYER. I received no report.

Mr. DUNN. No report from whom; from the head of the department in which he worked?

Dr. AYER. I do not recollect. Let me see. I do not recollect that I received any report relative to Mr. Murphy. He was working at the Swift Company's house.

Mr. DUNN. No authorized report as to Mr. Murphy's efficiency or inefficiency could go to the Secretary of Agriculture unless it went through your office?

The CHAIRMAN. Do you not know it to be a fact that these reports have to go through the regular channels, through your office?

Dr. AYER. There is no report that I know of.

The CHAIRMAN. Please state the fact and let us proceed.

Dr. AYER. I am trying to do it, sir.

Mr. DUNN. Did you make Mr. Murphy's second rating?

Dr. AYER. I did.

Mr. DUNN. If you know nothing of Mr. Murphy being less efficient between the first rating and the second rating, and if you received no

report from any source of any neglect of duty, can you explain upon what theory he was rated at 100 the first time and 80 or 85 or 90 the second time?

Dr. AYER. I do not know.

Mr. DUNN. What was your business prior to going into the Department of Animal Industry?

Dr. AYER. I was a veterinary surgeon.

Mr. DUNN. Are you a graduate from a regular school?

Dr. AYER. The American Veterinary College in New York City.

Mr. DUNN. You say you did not give Mr. Zeller permission to quit his work and request him to go to the committee meeting on the 11th of April, 1896?

Dr. AYER. No, sir; I did not.

Mr. DUNN. Did you not tell Mr. Murphy to go over to the abattoir where Mr. Zeller had been working to finish up certain work that was left there unfinished; that Mr. Zeller had gone uptown?

Dr. AYER. On that day?

Mr. DUNN. Yes.

Dr. AYER. No, sir.

Mr. DUNN. Did you not make that statement to James Murphy?

Dr. AYER. No, sir.

Mr. DUNN. Did you not also tell Dr. Blackwell on the same day to tell Mr. James Murphy, one of the taggers, to go over from the house where he was at work to the house where Mr. Zeller had been at work, and to finish the work there left undone; that Mr. Zeller had been excused?

Dr. AYER. Not on that day. I have——

Mr. DUNN. Never mind. You have answered the question. Did you the day before tell Dr. Blackwell to tell Mr. Murphy when he got through at his house to go over to the abattoir where Mr. Zeller was working and to finish whatever work was left unfinished there; that Mr. Zeller would be away that afternoon?

Dr. AYER. No, sir. I have ordered men from one abattoir to another, but not on that day, and not in that way.

Mr. DUNN. Did you not testify before Mr. Huston, in his examination, that you never told a man to go from one house to another; that you always gave those instructions to the head of the department?

Dr. AYER. That is what I mean. I move men from one abattoir to another whenever the work justifies it or in case of sickness or absence and they are through at one place and are needed at another. I give instructions to have them go there. That is what I mean.

Mr. DUNN. Did you tell the men individually or did you tell the head of the department?

Dr. AYER. The head of the department.

Mr. DUNN. You never removed a man by telling him individually?

Dr. AYER. Scarcely ever; no, unless I sent word to the Doctor.

Mr. LAMBERT. I believe you stated in your opening this afternoon that Dr. White seemed to possess an influence over the other employees so as to suppress information and prevent it from reaching you.

Dr. AYER. I said so. That is my judgment.

Mr. LAMBERT. On what fact or facts do you base that judgment?

Dr. AYER. From the actions of the employees toward Dr. White and from things I know which should have been reported to me and would be now that were not reported then; and since that time I get reports of inefficiency and drunkenness and anything of that sort where at other times I did not get them at all.

Mr. LAMBERT. What particular information was withheld from you that led you to believe it?

Dr. AYER. I could hear that the boys were drinking.

Mr. LAMBERT. From whom?

Dr. AYER. I could hear it around and in different ways.

Mr. LAMBERT. With Dr. White?

Dr. AYER. No.

Mr. LAMBERT. At his suggestion or request?

Dr. AYER. No; and it would not be reported to me.

Mr. LAMBERT. Did Dr. White know they were drinking?

Dr. AYER. I do not know whether he knew it, but the officer for whom they worked knew it.

Mr. LAMBERT. Did Dr. White instruct them to drink, or encourage them in drinking?

Dr. AYER. No; I do not know anything of that.

Mr. LAMBERT. How did Dr. White tend to suppress information?

Dr. AYER. His influence over these men would prevent them from——

Mr. LAMBERT. Which men?

Dr. AYER. Dr. Schirmer, Dr. Everett, Dr. Blackwell.

Mr. LAMBERT. Who told you that Dr. White had influence over Dr. Schirmer?

Dr. AYER. It was to me perfectly plain to be seen.

Mr. LAMBERT. What particular acts of Dr. Schirmer indicated to you the fact that Dr. White had influence over his conduct?

Dr. AYER. Oh, many.

Mr. LAMBERT. Will you indicate one to the committee?

Dr. AYER. The general conduct of the man toward me.

Mr. LAMBERT. Did Dr. Schirmer say it was due to Dr. White's influence?

Dr. AYER. No; he never told me that.

Mr. LAMBERT. Did any of the persons whom you have mentioned say it was due to Dr. White's influence? Is it not a matter of fact that you are merely guessing as to his influence to suppress information?

Dr. AYER. I am not guessing. I know that was the feeling, to make the work just as disagreeable and hard for me as he could, so that I could not make a success out of it, if possible.

Mr. LAMBERT. Do you mean to say at this time that Dr. Blackwell was conducting himself under the influence of Dr. White so as to suppress important information from you?

Dr. AYER. I think he did.

Mr. LAMBERT. You think he did?

Dr. AYER. I think so.

Mr. LAMBERT. You think Dr. Schirmer did also?

Dr. AYER. I think so.

Mr. LAMBERT. What other persons would you say?

Dr. AYER. I think Dr. Schirmer, Dr. White, Dr. Everett, and Dr. Siggins, when he was here.

Mr. LAMBERT. Do you at this time remember any particular fact that was withheld from you?

Dr. AYER. I am perfectly satisfied that there was lots of whisky drunk by Government employees at abattoir 5 that should not have been drunk.

Mr. LAMBERT. Who had charge of abattoir 5?

Dr. AYER. Dr. Blackwell, and the Doctor never informed me of it directly; I could learn on the outside that the men were drinking. It was his duty to inform me.

Mr. LAMBERT. Do you know whether Dr. White ever drinks any intoxicating liquors?

Dr. AYER. I do not think he does; I do not know.

Mr. LAMBERT. Dr. Blackwell did not inform you that persons under him at abattoir 5 were drinking; is that right?

Dr. AYER. Yes; at times when he should have done so.

Mr. LAMBERT. How long after the drinking was it when you found that there had been drinking at that abattoir?

Dr. AYER. I would hear it quite frequently.

Mr. LAMBERT. How long after hearing of it did you call the fact to the attention of Dr. Blackwell, or did you ever do so?

Dr. AYER. I think I spoke to Dr. Blackwell.

Mr. LAMBERT. Are you sure?

Dr. AYER. I feel quite sure. His excuse for it was that they were not drinking much; that they were drinking a little.

Dr. AYER. Did you at that time tell him that you believed he was under the influence of Dr. White?

Dr. AYER. No, sir.

Mr. LAMBERT. Did you tell Dr. Schirmer that you believed he was under the influence of Dr. White?

Dr. AYER. No, sir; but I had every reason to believe he was.

Mr. LAMBERT. But you did not, as a matter of fact, mention it to them?

Dr. AYER. No, sir.

Mr. LAMBERT. How frequently did you hear Dr. White and Dr. Blackwell, or Dr. Schirmer, or Dr. Everett in conversation together?

Dr. AYER. It was a very frequent occurrence. They would come in at night. They generally congregated in Dr. White's office.

Mr. LAMBERT. And talked to him?

Dr. AYER. I suppose so.

Mr. LAMBERT. You do not know what about?

Dr. AYER. The doors were closed.

Mr. LAMBERT. You and Dr. White have not been on very good terms, dating back a year from his discharge?

Dr. AYER. So far as Dr. White and I personally are concerned I had no difficulty.

Mr. LAMBERT. You had some difficulty about the managment of the department?

Dr. AYER. He interfered sometimes where he had no business to interfere.

Mr. LAMBERT. You reproved him and reprimanded him?

Dr. AYER. I always talked gently to the Doctor.

TESTIMONY OF DR. E. W. SCHIRMER.

Dr. E. W. SCHIRMER, being duly sworn, testified as follows:

Mr. DUNN. What position do you occupy in the Bureau of Animal Industry at South Omaha?

Dr. SCHIRMER. I am inspector and have charge of abattoir 14.

Mr. DUNN. Abattoir 14 is in what house?

Dr. SCHIRMER. The G. H. Hammond Packing Company's.

Mr. DUNN. How long have you been there?

Dr. SCHIRMER. I have been there three years and about two months.

Mr. DUNN. Your duties are to do what?

Dr. SCHIRMER. I have charge of the beef floor and, as far as my time allows, a general supervision of the employees.

Mr. DUNN. How long did Mr. Zeller and Mr. Holmes and Mr. Seay work under your direction and in your department?

Dr. SCHIRMER. I can only give it approximately. I do not remember the times when they came.

Mr. DUNN. That is all I want.

Dr. SCHIRMER. Mr. Holmes about two years or two years and a half; I am not quite sure.

Mr. DUNN. Mr. Zeller?

Dr. SCHIRMER. You see the taggers were changed quite often; Mr. Zeller a matter of six or eight months, I guess.

Mr. DUNN. Mr. Seay, how long?

Dr. SCHIRMER. About one year.

Mr. DUNN. During the time they worked in the Hammond packing house did anybody other than yourself have general or special charge of the work they were doing?

Dr. SCHIRMER. As I understand it, Dr. Ayer, the inspector in charge, has general supervision of all the houses and the work of the bureau.

Mr. DUNN. What I mean is this: Was Dr. Ayer in the habit of coming into the department, say the Hammond packing house, and personally directing the doing of certain work, or would his instructions, whatever they were, be issued to you and then you did the work according to his instructions?

Dr. SCHIRMER. Sometimes he issued instructions to me and sometimes to the men directly.

Mr. DUNN. Sometimes to the men directly?

Dr. SCHIRMER. Yes, sir.

Mr. DUNN. Would he change men from one house to the other by personal direction to them, individually, without consulting you?

Dr. SCHIRMER. He would change the taggers from one house to another, and sometimes the stock examiners.

Mr. DUNN. Without consulting you at all?

Dr. SCHIRMER. No.

Mr. DUNN. Do you mean that he would change them or would not change them without consulting you?

Dr. SCHIRMER. He would not consult me.

Mr. DUNN. You may state what you know about the efficiency and competency and general character of the work done by Mr. Zeller while under your direction.

Dr. SCHIRMER. I considered him an efficient man; he did his work to my satisfaction.

Mr. DUNN. How about Mr. Zeller being in constant attendance and prompt and doing his work efficiently and staying until it was finished?

Dr. SCHIRMER. So far as I know he was punctual. I will add that I am not always in the coolers where the taggers work. My work is principally on the killing floor, and I do not go into the coolers every day and watch the taggers do their work for the reason that I am confined to the killing floor largely; but so far as my knowledge goes Mr. Zeller was always punctual.

Mr. DUNN. How about Mr. Holmes? He was on the killing floor.

Dr. SCHIRMER. He was stock examiner on the hog-killing floor.

Mr. DUNN. What were Mr. Holmes's duties?

Dr. SCHIRMER. His duties were to make an ante-mortem inspection

of the hogs in the pens of the packing houses and afterwards to make the post-mortem examination.

Mr. DUNN. Would it at any time occur that they were killing hogs at the exact time when he would be required to make an inspection of live hogs?

Dr. SCHIRMER. It is possible that sometimes hogs are driven direct from the yard to the killing floor, but I will add that at the present time all the ante-mortem examinations are made in the Union Stock Yards.

Mr. DUNN. I mean when Mr. Holmes was there.

Dr. SCHIRMER. Yes, it could happen that hogs were driven in at a time when the post-mortem examination went on.

Mr. DUNN. Generally, then, the hogs were inspected in the yards, and only those were driven into the killing pens at the houses that were ready to be killed without any further inspection? That was the general rule?

Dr. SCHIRMER. You have to make a distinction between the old way of doing business and the present way. Please formulate your question now with reference——

Mr. DUNN. Was it not the general rule under the old system to inspect in the pens before the hogs were driven into the killing floor?

Dr. SCHIRMER. It was the rule to inspect the hogs in the pens of the packing houses.

Mr. DUNN. Then is there a department called the killing floor, to which they are driven while alive?

Dr. SCHIRMER. They are not driven in. They are elevated by machinery to the killing floor.

Mr. DUNN. You say it was possible that he would be required to inspect live hogs while killing was going on at the same time?

Dr. SCHIRMER. It was possible.

Mr. DUNN. What were his duties? What did his duties require of him with reference to the inspection of dead hogs while killing was going on?

Dr. SCHIRMER. He was supposed to find the dead hogs in the pens. Do you mean the hogs that died previous to the killing?

Mr. DUNN. What was his duty in reference to the hogs killed?

Dr. SCHIRMER. Do you mean the post-mortem examination?

Mr. DUNN. Yes.

Dr. SCHIRMER. His duties were to single out the diseased animals and condemn them and tank them.

Mr. DUNN. Was it necessary for him to stand at a particular place at the time when the killing was going on, in order to inspect each hog as it was killed and went past him, while it was being shot past, or sent past on what is called the rail?

Dr. SCHIRMER. My instructions were that he should stand at a certain place, but it was necessary for him to follow up the hog. You understand the hogs come around on a railing, and if he discovered that the entrails of a hog were diseased, it was often necessary to follow that hog when it was shoved along the railing, in order to make a close inspection. Of course the hogs go along the railing very fast.

Mr. DUNN. What do you say was the general conduct of Mr. Holmes with reference to efficiency and the performance of his duties generally in the department?

Dr. SCHIRMER. His work was satisfactory to me.

Mr. DUNN. Did you see him neglect his duty generally, or to any great extent?

Dr. SCHIRMER. No.

Mr. DUNN. He was on the killing floor in the house where you were and where you were most of the time?

Dr. SCHIRMER. Yes.

Mr. DUNN. Had he been negligent and incompetent is it not likely that you would have discovered it?

Dr. SCHIRMER. If he had been persistently neglectful I would have discovered it. I will add that I can not be on the hog floor all the time. I have other duties. I was there quite often.

Mr. DUNN. How about Mr. Seay? What was his general conduct as to efficiency and promptness in the performance of his duties generally?

Dr. SCHIRMER. His general conduct and efficiency were good.

Mr. DUNN. Did you ever make any report to anybody about him, that he was incompetent or negligent?

Dr. SCHIRMER. I never complained about him; I never made any report.

Mr. DUNN. Did you ever have any reason to complain about him?

Dr. SCHIRMER. No, sir.

Mr. DUNN. Do you know anybody else who ever complained regarding Mr. Seay, or Mr. Zeller, or Mr. Holmes?

Dr. SCHIRMER. No.

Mr. DUNN. Did Dr. Ayer ever consult you or say to you that those men were not performing their duties properly during the time they were in your department?

Dr. SCHIRMER. He indicated once that he was not satisfied with Mr. Seay, but he had no particular talk.

Mr. DUNN. He did not say how?

Dr. SCHIRMER. No; he just dropped the remark that he was not satisfied.

Mr. DUNN. Do you know whether or not on the 11th of April, 1896, the day the Democratic county central committee of Douglas County met and selected delegates to the Democratic State convention to be held in Lincoln, James Murphy, Mr. Nichols, and somebody else were sent to your house to do certain tagging work left undone by Mr. Zeller and others?

Dr. SCHIRMER. I noticed Mr. James Murphy. The balance of them I did not see. I was just ready to go home. I was through with my work and I noticed Mr. James Murphy, but I am not sure about the other parties.

Mr. DUNN. Do you know whether he came there to do work at abattoir 14?

Dr. SCHIRMER. Yes, he did.

Mr. DUNN. Did not Mr. James Murphy work in the house for some time?

Dr. SCHIRMER. Yes.

Mr. DUNN. About two months?

Dr. SCHIRMER. Yes; it was something like that.

Mr. DUNN. What about his efficiency and general attention to the duties of his position?

Dr. SCHIRMER. He was always an efficient officer.

Mr. LAMBERT. Were you present and did you hear Dr. Ayer testify that your relations to Dr. White were such as tended to suppress important information?

Dr. SCHIRMER. I did not hear the whole of his testimony; only a part of it.

Mr. LAMBERT. Dr. Ayer testified in substance that your relations to

Dr. White were such as tended to suppress or keep away from him certain material matter which should have been reported from your abattoir. Will you state to the committee whether or not you and Dr. White sustained any such relations?

Dr. SCHIRMER. I do not remember about material matters not being reported.

Mr. LAMBERT. Did you ever withhold from the Department or from Dr. Ayer any material matters?

Dr. SCHIRMER. I withheld nothing that I considered worthy to be mentioned and the reporting of which would tend to the best interest of the service.

Mr. LAMBERT. Were your relations with Dr. White such as would tend to place you in antagonism to Dr. Ayer's management?

Dr. SCHIRMER. Before the department was placed under the civil service and on a firm business footing, as I considered it, there was not the very best feeling among the inspectors. I freely admit that.

Mr. LAMBERT. Were your relations with Dr. White such as to cause you to suppress important information and keep it away from Dr. Ayer?

Dr. SCHIRMER. No; I never withheld any important information.

Mr. LAMBERT. You always reported it to Dr. Ayer?

Dr. SCHIRMER. I would not report trivial matters, but what I considered of real value I reported immediately.

Mr. LAMBERT. Dr. White never requested you to withhold any information from Dr. Ayer?

Dr. SCHIRMER. No, sir.

Mr. LAMBERT. Nothing was said about it?

Dr. SCHIRMER. No, sir.

Mr. LAMBERT. Were you in frequent and private consultation with Dr. White?

Dr. SCHIRMER. At that time I was the medical examiner for the Woodmen of the World, and I used Dr. White's office at the time, from 7 to 8 or half past 7 to 9 to make such examinations, and of course, therefore, I came in contact with Dr. White frequently. However, the reason why I was in his office was to attend to these examinations.

Mr. LAMBERT. That was the only business you had there with him?

Dr. SCHIRMER. I might have called there once or twice on other matters; it is possible—medical matters.

Mr. LAMBERT. You are a medical doctor?

Dr. SCHIRMER. Yes, sir.

Mr. LAMBERT. A physician and surgeon?

Dr. SCHIRMER. Yes, sir.

Mr. LAMBERT. Of how many years' practice?

Dr. SCHIRMER. About eighteen years.

Mr. LAMBERT. You and Dr. White used to take little jaunts in Otoe County for Secretary Morton on political matters?

Dr. SCHIRMER. Yes; in ancient times.

Mr. LAMBERT. What do you mean by "ancient times?"

Dr. SCHIRMER. I mean that in our short lifetime three or four years make a matter quite antique.

Mr. LAMBERT. You would go down there to fix up delegates to attend a convention—I mean by fixing them to see that they did attend?

Dr. SCHIRMER. Yes; once in a while.

Mr. LAMBERT. You accomplished your ends ordinarily?

Dr. SCHIRMER I must confess that I generally delivered the goods if I had to; but I will add that this was in times before I was under the civil service. I want that understood.

Mr. LAMBERT. You drew your pay while you were gone?

Dr. SCHIRMER. I quite often went on Saturday and stayed over Sunday; and it is possible——

Mr. LAMBERT. Do you remember whether your check was ever reduced by reason of your absence?

Dr. SCHIRMER. No; but just as I said, as a rule I used to go Saturday afternoon and stay Sunday down in that country.

Mr. DUNN. I wish to ask just one more question. You have had an opportunity to determine the general efficiency of Dr. Ayer as the head of the department?

Dr. SCHIRMER. I have not.

Mr. DUNN. Have you not had an opportunity to determine his ability properly to make reports of matters that go on in the department?

Dr. SCHIRMER. I will say that I am a subordinate officer and do not bother my mind about the ability of the superior officer.

Mr. DUNN. Is it not true that at one time, a year or so ago, you had in your possession a certain letter written in pencil or ink originally by Dr. Ayer, to be copied by his clerk or stenographer and to be sent to the Department, which showed his inability and his incapacity properly to use the English language, to write it or to spell it, or to make a report?

Dr. SCHIRMER. I think that is a matter of three years ago, and I do not know much about it; I do not remember it.

Mr. DUNN. Is it not a fact that in it he spelled such words as "which," w-h-i-t-c-h, and "much," m-o-t-c-h?

Dr. SCHIRMER. I do not remember.

Mr. DUNN. Do you not know that he misspelled the most common words used in everyday affairs?

Dr. SCHIRMER. I do not remember.

The CHAIRMAN. Were you employed in the department at the time it was placed under the classified service, in 1895?

Dr. SCHIRMER. Yes.

The CHAIRMAN. Can you give me the politics of the different employees at that time—first, how many were employed, and what was their politics? I should like to know.

Dr. SCHIRMER. Mr. Senator, can I politely ask you what is the ultimate intent?

The CHAIRMAN. I have a reason for asking the question. It is for you to answer.

Dr. SCHIRMER. Am I compelled to answer?

The CHAIRMAN. Yes; you are compelled to answer.

Dr. SCHIRMER. It was an exciting election, and of course people talked back and forth, so that everybody knew how everybody else stood, except a few men who were extremely quiet and would not say anything. I could not give a guess as to where those men stood.

The CHAIRMAN. You do not answer my question. The question is as to the political status of the parties at the date when the office was placed in the classified service, which was July 1, 1895. There was no excitement then; you were all cool.

Dr. SCHIRMER. To my knowledge they were all Democrats.

The CHAIRMAN. They were all Democrats at that time?

Dr. SCHIRMER. Yes, sir; at that time.

The CHAIRMAN. You say you do not know anything about the qualifications of Dr. Ayer?

Dr. SCHIRMER. I do not know the extent of his work. I am all day in the packing house and have very limited experience outside.

The CHAIRMAN. Have you seen the list of questions submitted by the Civil Service Commission to applicants for positions there?

Dr. SCHIRMER. Do you mean the general application?

The CHAIRMAN. I mean the questions.

Dr. SCHIRMER. The sample questions?

The CHAIRMAN. The questions submitted to such parties?

Dr. SCHIRMER. I have not.

The CHAIRMAN. Do you think he could pass a scholastic examination?

Dr. SCHIRMER. I did not see the questions.

The CHAIRMAN. It is not a question of what you saw; the question is whether you think he could pass a scholastic examination.

Dr. SCHIRMER. I never had a conversation with him on scientific questions. So it is pretty hard to answer the question.

The CHAIRMAN. Did you ever talk with him?

Dr. SCHIRMER. Yes, sir; but very seldom, and about common, everyday matters.

The CHAIRMAN. Did you ever see him write?

Dr. SCHIRMER. I have seen him write his name. He has written his name in my presence.

The CHAIRMAN. Did you ever see any reports made out by Dr. Ayer?

Dr. SCHIRMER. I did not.

The CHAIRMAN. You never did?

Dr. SCHIRMER. No, sir.

The CHAIRMAN. Will you swear, then, that you know nothing as to the man's qualifications?

Dr. SCHIRMER. I know very little.

The CHAIRMAN. You understand that you are under oath and you must answer the question. It matters not whether or not he is a superior officer. That is not the point with you. You are bound to answer the question submitted to you.

Dr. SCHIRMER. Mr. Senator, I do not know.

The CHAIRMAN. It can not affect your standing one way or the other, I will say to you. I simply want the facts about it.

Dr. SCHIRMER. Mr. Senator, it is a very hard matter to pass an opinion if a man has not a full knowledge of the qualifications in veterinary science of the party inquired about, which I really have had no opportunity to have, because I never saw him much in his work, and I never knew anything about his practice in the veterinary science. It is a pretty hard matter——

The CHAIRMAN. I am not discussing that matter. I ask you whether or not he is sufficiently qualified to discharge the duties of his office?

Dr. SCHIRMER. His duties?

The CHAIRMAN. Yes; to make out reports?

Dr. SCHIRMER. I never saw him do it, and I do not know.

The CHAIRMAN. You do not know anything about it?

Dr. SCHIRMER. No.

The CHAIRMAN. Do you swear that you do not know anything about the man's qualifications?

Dr. SCHIRMER. Not enough to give a weighty and well considered answer.

The CHAIRMAN. I am not asking you for a weighty answer. I am asking for the facts. If you say——

Dr. SCHIRMER. I do not know how he stands as a veterinarian.

The CHAIRMAN. If you say you do not know anything about him, we will excuse you; but if you do know, you are required to answer.

Dr. SCHIRMER. My knowledge of the man and his accomplishments really does not give me a right to give an opinion.

The CHAIRMAN. You do not know?

Dr. SCHIRMER. Not a just opinion.

The CHAIRMAN. You do not know enough to form an opinion satisfactory to yourself?

Dr. SCHIRMER. Not enough to give a satisfactory opinion.

TESTIMONY OF JOHN F. MURPHY.

JOHN F. MURPHY, being duly sworn, testified as follows:

Mr. DUNN. You are engaged in what business?

Mr. MURPHY. I am a clerk.

Mr. DUNN. In the employ of whom?

Mr. MURPHY. In the Quartermaster's Department.

Mr. DUNN. Of the United States Government?

Mr. MURPHY. Yes, sir.

Mr. DUNN. Are you acquainted with the persons who were formerly in the employ of the Government, namely, Mr. Zeller, Mr. Holmes, Mr. James Murphy, Mr. Seay, and the rest of the parties?

Mr. MURPHY. Yes, sir.

Mr. DUNN. Are you acquainted with Euclid Martin, the present postmaster of the city of Omaha?

Mr. MURPHY. Yes, sir.

Mr. DUNN. Are you acquainted with James B. Sheean and W. D. McHugh, of this city?

Mr. MURPHY. Yes, sir.

Mr. DUNN. Were you acquainted with those parties during the years 1895 and 1896?

Mr. MURPHY. I was.

Mr. DUNN. Do you know anything of the general political situation as it existed here at that time, and of their connection with it?

Mr. MURPHY. Yes, sir.

Mr. DUNN. Do you know Dr. Ayer, also?

Mr. MURPHY. Yes, sir.

Mr. DUNN. Do you know anything of the connection, of a political nature, of Dr. Ayer, if any, with Mr. Martin, Mr. Sheean, and Mr. McHugh during those years?

Mr. MURPHY. Yes, sir.

Mr. DUNN. State whether or not in the year 1896, during the Presidential campaign, Mr. Martin, at any time, to your knowledge, made any request of Dr. Ayer with reference to any of those employees, to do political work.

Mr. MURPHY. I do not think Mr. Martin ever made the request.

Mr. DUNN. Just state what you know in connection with the matter.

Mr. MURPHY. In the campaign of 1896, when we were getting ready to capture the State convention here for the goldbug Democrats, Mr. Martin, Mr. McHugh, Mr. Sheean, Mr. Spratlin and those parties took a very active part in trying to capture the central committee, so as to send a delegate to the goldbug convention instead of the regular organization.

Mr. DUNN. Were you associated with Mr. Martin to some extent at that time?

Mr. MURPHY. Yes, sir.

Mr. DUNN. Who is Mr. Spratlin?

Mr. MURPHY. He is the cashier of the National Bank of Commerce.

Mr. DUNN. He took an active part in political affairs at that time?

Mr. MURPHY. Yes, sir.

Mr. DUNN. State what you know, if anything, with reference to the employees in the Bureau of Animal Industry at South Omaha taking part at that time in the effort to get control of the Democratic county central committee.

Mr. MURPHY. There were several conferences held and several proxies brought in to capture that committee meeting, and I spoke to Mr. Sheean. I said we ought to have the people from South Omaha down, and he said "There will be no trouble about them; we will get them when we want them." He said, "We had better look out for the outside first and take care of them afterwards." He said, "I will have McHugh attend to that part." He said, "He does his business with Ayer."

Mr. DUNN. What was the result, when the meeting was held, as to whether or not the parties employed in the South Omaha station of the Bureau of Animal Industry were in attendance.

Mr. MURPHY. I think, if my recollection is right, that about seven of the employees at South Omaha were there.

Mr. DUNN. This convention——

Mr. MURPHY. It was not a convention; it was a committee meeting.

Mr. DUNN. The committee meeting was held about 3 o'clock in the afternoon?

Mr. MURPHY. It was called at 2 o'clock, but it was nearly 3 before they got down to business.

Mr. DUNN. Do you know, of your own personal knowledge, what, if any, communication was held at that time between Mr. McHugh and Dr. Ayer, or Mr. Sheean and Dr. Ayer, or Mr. Martin and Dr. Ayer?

Mr. MURPHY. I do not know just what was said at that time between them, but I noticed that the men did come in.

Mr. DUNN. Were you ever present at any interview between Dr. Ayer and Mr. Martin?

Mr. MURPHY. No; but I have met them at the Jacksonian Club on several occasions when they talked, but not in regard to this matter.

Mr. DUNN. What, if anything, do you know about Mr. Martin during that campaign giving any instructions to or making any request of the employees of the Bureau of Animal Industry at South Omaha?

Mr. MURPHY. I only know in this way, that I saw letters which he wrote to the boys to come in and see him. I read some of the letters that were sent down there.

Mr. DUNN. To come to his office?

Mr. MURPHY. Yes, sir; signed by him.

Mr. DUNN. He did not state upon what kind of business he wanted to see them?

Mr. MURPHY. No; he did not. I do not think he did.

Mr. DUNN. Do you know anything else in regard to this matter that you have not stated?

Mr. MURPHY. I can give you some information in regard to what Dr. Schirmer did not remember very well. I had several conferences with him in relation to Mr. Ayer's ability as chief of the bureau.

Mr. DUNN. What was the result of Dr. Schirmer's statement to you?

Mr. MURPHY. That he was incompetent, ignorant, illiterate, and not fit for the place.

Mr. DUNN. Have you had an opportunity to determine for yourself as to the ignorance or illiteracy of Dr. Don C. Ayer, chief of the bureau?

Mr. MURPHY. I have had.

Mr. DUNN. State what that was; explain it to the committee.

Mr. MURPHY. I had in my possession for about a week, I guess, a copy of a letter written in pencil by Dr. Ayer for his typewriter to copy, and to be sent to the Department at Washington.

Mr. DUNN. What about the letter?

Mr. MURPHY. The spelling was bad.

Mr. DUNN. Give the committee an idea of the spelling.

Mr. MURPHY. I do not remember it all, but there were several misspelled words. There are one or two that I do remember.

Mr. DUNN. What are they?

Mr. MURPHY. He had the word "much" spelled m-o-t-c-h, and the word "which" spelled w-h-i-t-c-h, and there were several others, but I can not now call to memory all of them. I do not think there were very many words not misspelled.

Mr. DUNN. How is the Doctor in the habit of spelling "nostril?"

Mr. MURPHY. I do not know from my own personal knowledge, but Major Furey told me he spelled it n o-s-s-t r-o-l-l. I should also like to make another statement. Just after Dr. Ayer was appointed as chief of the bureau we heard there were going to be some changes made there, and Mr. Shoemaker and I called on him one evening. Shoemaker was responsible for his appointment, and he thought he would have some influence with him. He asked the Doctor if it was true, and he said he did not know whether or not there would be any; that there might be, and there might not be. He did not give him much satisfaction. Shoemaker made some suggestions to the Doctor, and the Doctor said: "I do not want any suggestions made by anybody. I know how to handle men. I have been keeper in the penitentiary at Lincoln, and I know how they should be handled; and these men will be handled in the same manner," or words to that effect. I do not know that that is the exact language, but he used words to that effect.

Mr. DUNN. Was it in the Lincoln penitentiary or in the Kansas penitentiary?

Mr. MURPHY. The Kansas penitentiary.

Mr. LAMBERT. At Leavenworth?

Mr. MURPHY. At Leavenworth.

Mr. DUNN. Did you ever talk with Dr. Ayer with respect to political matters about the time Mr. Zeller was let out?

Mr. MURPHY. Not with Mr. Ayer. I had a talk with Mr. Spratlin. There were rumors around that there were going to be some changes made there, and I met Spratlin on the street one day and asked him if it was true. He said yes; he guessed there were going to be some changes, and I asked him who they were, and he said that he did not know, "but there is one thing, Zeller has to go; there is nothing to save him."

Mr. DUNN. Did he say why?

Mr. MURPHY. He intimated that Mr. Martin was against Zeller; that he was for free silver.

Mr. DUNN. Mr. Spratlin was one of the trusted lieutenants of Mr. Martin?

Mr. MURPHY. Yes, sir. On another occasion Mr. Sheean met me one evening and he said to me "John, Ayer wants to make some changes in South Omaha." This was just before the office went under the civil service. He said "he came down to Martin and wanted Martin to discharge Burkhard, Kunes," and I think one of the other South Omaha

boys. I have forgotten his name. He said "What do you think about it? He told Martin those fellows did not have any political influence and were not of any account to the department; that he had better put in some young, active men, who could help him out politically." I said "What does he know of these people's influence? He is just here from Kansas. He does not know whether they have any influence or not." I was particularly interested in Kunes and Burkhard, as it was through me that they got the appointment. I gave Jim a talk that it was wrong, and he said he would see that those two held their positions.

Mr. DUNN. They were retained?

Mr. MURPHY. Yes, sir.

Mr. DUNN. You talked with Sheean?

Mr. MURPHY. Yes, sir.

Mr. DUNN. And the statement was that Dr. Ayer had made those statements to him?

Mr. MURPHY. To Mr. Martin.

Mr. DUNN. Do you know whether Ayer visited Martin at the post-office?

Mr. MURPHY. Yes, sir; I have seen him there.

Mr. DUNN. How often?

Mr. MURPHY. I do not know just how often, but I have seen him there Sunday mornings.

Mr. DUNN. During the campaign?

Mr. MURPHY. Yes, sir; and before the campaign. He used to run down there. It was commonly known that he went there nearly every Sunday, but I did not see him there.

Mr. DUNN. The contest in this State along the political lines you have mentioned was continuous from the fall of 1895 until the fall of 1896?

Mr. MURPHY. Yes, sir.

Mr. DUNN. Do you know of any of the employees in the South Omaha station being called out on any other political errand?

Mr. MURPHY. Yes, sir.

Mr. DUNN. When?

Mr. MURPHY. Mr. Jellen. I met him on the car one day after those letters were written by Mr. Martin. He said he had received one of those letters from Martin to call and see him, and that he called, and that Mr. Martin tried to influence him or persuade him to vote against Mr. Bryan. He said Martin said to him the Department wished this; for him to remember that there were—I forget just how many more months during which the Administration would last—three or four months, or perhaps six months; not to forget that there were so many months more of that Administration.

Mr. DUNN. What, if anything, do you know about the employees being requested to do political work during what is known as the Citizens' movement in 1895?

Mr. MURPHY. They were called out on every occasion whenever there was an election held, from the time Bryan and Morton took different sides on the money question.

Mr. DUNN. In this State?

Mr. MURPHY. Yes, sir.

Mr. DUNN. That was in 1894, 1895, and 1896?

Mr. MURPHY. Yes, sir; at all times.

Mr. DUNN. And the employees in the department generally were considered the political servants of J. Sterling Morton and his political friends in this city?

Mr. MURPHY. Yes, sir. About the committee meeting, I will state

that in conversation with Sheean—I do not remember whether or not Mr. McHugh was there—I spoke to him about Zeller and those boys. He said he would have Mack see Zeller, and he said: "Whatever we want down there we can get. We stand in with the old man." By "the old man" he meant Morton.

Mr. DUNN. That was with reference to the committee meeting of April 11?

Mr. MURPHY. Yes, sir.

TESTIMONY OF DR. J. E. BLACKWELL.

Dr. J. E. BLACKWELL, being duly sworn, testified as follows:

Mr. DUNN. What is your position in the Bureau of Animal Industry at the present time?

Dr. BLACKWELL. Inspector at abattoir No. 5.

Mr. DUNN. You were formerly chief of the Bureau, were you not?

Dr. BLACKWELL. I was for a short time.

Mr. DUNN. How long, and during what period?

Dr. BLACKWELL. I think about October, 1893, until some time in that neighborhood of the following year.

Mr. DUNN. Who have worked in your department as taggers and stock inspectors since July, 1895—since it was put into the classified service?

Dr. BLACKWELL. Murphy, Sherlock, Nichols, Butler. Do you wish me to give them all? John McCann, James Kunes; those are the taggers, I think. I may have missed one.

Mr. DUNN. State whether or not Dr. Ayer at any time called upon you to send certain men from the house where you were working over to do the work at the abattoir where Mr. Zeller was employed.

Dr. BLACKWELL. Yes; the Hammond house, No. 14. I was asked to send a tagger over there.

Mr. DUNN. When was that?

Dr. BLACKWELL. It was just before the convention; about the first of April, or in that neighborhood.

Mr. DUNN. Was it the day the Democratic county central committee held a meeting in the city of Omaha?

Dr. BLACKWELL. I think the day before.

Mr. DUNN. What, if any, statement did Dr. Ayer make to you with reference to sending somebody over there to do the work?

Dr. BLACKWELL. He told me to send somebody over to the Hammond house; that they were going to be short, as some of the boys were going uptown.

Mr. DUNN. Did he tell you to send them there that day or the next day?

Dr. BLACKWELL. The next day, if I remember correctly.

Mr. DUNN. The next day was the day the meeting was held?

Dr. BLACKWELL. Yes, sir.

Mr. DUNN. Did he mention Mr. Zeller's name particularly, or that of anybody else?

Dr. BLACKWELL. Zeller was not working for me. I was to send some of the taggers.

Mr. DUNN. Did he say that Zeller was going to be off?

Dr. BLACKWELL. I do not recollect.

Mr. DUNN. You did send men there?

Dr. BLACKWELL. No, sir; I did not have occasion to. Dr. Ayer

met one of the taggers on the street and gave him instructions, and so I thought it was unnecessary.

Mr. DUNN. How did you happen to know that Dr. Ayer met one of the taggers on the street?

Dr. BLACKWELL. By the word of one of the taggers, Mr. Murphy. When he came back, at noon, he said that he had met Dr. Ayer and had been ordered to go to the Hammond house.

Mr. DUNN. So he went over there?

Dr. BLACKWELL. That is the impression I got.

Mr. DUNN. He left your place before going there?

Dr. BLACKWELL. Yes, sir.

Mr. DUNN. You can not possibly be mistaken about Dr. Ayer telling you to send those men there?

Dr. BLACKWELL. The fact of giving instructions to one of the taggers was about the principal thing that kept it in my memory.

Mr. DUNN. During the time Mr. Murphy worked in your department what have you to say as to his being an efficient and competent man?

Dr. BLACKWELL. He was an active and good tagger; he was efficient. I considered him as efficient as any I had there.

Mr. DUNN. What about his being negligent, and so on?

Dr. BLACKWELL. I never knew of any negligence on his part.

Mr. DUNN. So far as you were able to determine, as the chief in charge of the abattoir, he was a competent and capable man for the service?

Dr. BLACKWELL. I considered him a capable man.

Mr. DUNN. No person was there immediately in charge of the work other than yourself?

Dr. BLACKWELL. None other than myself. I could notice his work better than anyone else, probably.

Mr. DUNN. Dr. Ayer would come around occasionally and give the men who worked in your department personal instructions?

Dr. BLACKWELL. Yes; he would do that occasionally.

Mr. DUNN. I will ask you whether that is the better way to obtain efficiency in the service—for the chief of the Bureau to go around and give the men individual orders and not issue those orders through the person in charge of the abattoir?

Dr. BLACKWELL. It might conflict somewhat with the work by so doing.

Mr. DUNN. Would he occasionally give orders to the men about which you did not know anything?

Dr. BLACKWELL. Yes, sir; occasionally.

Mr. DUNN. Would those orders at times conflict with the instructions you had given the men in the performance of their duty?

Dr. BLACKWELL. I do not recollect where they materially conflicted.

Mr. DUNN. It would be likely to occur?

Dr. BLACKWELL. Such might be the case.

Mr. DUNN. Did Mr. Holmes work in your department?

Dr. BLACKWELL. No; he was working in abattoir No. 14.

Mr. DUNN. Did he at any time work in your department?

Dr. BLACKWELL. Not that I remember.

Mr. DUNN. During the time you were chief he was in the same department?

Dr. BLACKWELL. He was in the department some time.

Mr. DUNN. Was he not under your direct supervision?

Dr. BLACKWELL. No, sir.

Mr. DUNN. While you were chief did you have any complaint made to you about his negligence or incompetency?

Dr. BLACKWELL. No.

Mr. DUNN. Have you heard anybody outside of Ayer complain of his being incompetent?

Dr. BLACKWELL. I have not.

Mr. DUNN. How about Mr. Guy, a stock examiner? What have you to say about his general efficiency as a stock examiner?

Dr. BLACKWELL. He was an efficient and capable person.

Mr. DUNN. Was he a man who attended to his duties?

Dr. BLACKWELL. Yes, sir; always.

Mr. DUNN. Do you know, generally speaking, what was the politics of the men employed there in 1896?

Dr. BLACKWELL. I paid very little attention to politics.

Mr. DUNN. Was it not generally understood that most of them had formerly been Democrats?

Dr. BLACKWELL. Yes, sir; that was the impression.

Mr. DUNN. You took no part in politics?

Dr. BLACKWELL. I never took any part in it whatever.

Mr. DUNN. Were you requested at that time to take part in the political affairs of the day?

Dr. BLACKWELL. I had a letter at one time from Euclid Martin.

Mr. DUNN. Asking you to call and see him?

Dr. BLACKWELL. Yes, sir.

Mr. DUNN. Did you see him?

Dr. BLACKWELL. I went to see him.

Mr. DUNN. What request did he make of you in regard to political matters?

Dr. BLACKWELL. He said that he was interested in that Palmer-Buckner ticket at that time and would like to have the support of the South Omaha crowd.

Mr. DUNN. Referring to the employees?

Dr. BLACKWELL. Yes, sir; I think so.

Mr. DUNN. Did he ask you to do any political work among the employees there or to see what they were doing, and report to him?

Dr. BLACKWELL. No, sir.

Mr. DUNN. Did he ask you to do any work at all?

Dr. BLACKWELL. He did not ask me to do any work.

Mr. DUNN. Do you know of the competency of Dr. Ayer to fill the position he now occupies?

Dr. BLACKWELL. I never saw anything of his writing. He never issued any orders in his own handwriting. I never had any conversation with him in connection with veterinary affairs.

Mr. DUNN. Are you able from your own personal observation and from what limited knowledge you have of his actions in connection with the Bureau of Animal Industry at South Omaha to form a reasonably fair estimate as to his competency for a position of that kind?

Dr. BLACKWELL. I have probably seen less of Dr. Ayer than anyone else in South Omaha, and have had little opportunity to judge about his qualifications.

Mr. DUNN. Did Mr. D. J. Campbell work in your department?

Dr. BLACKWELL. Yes, sir.

Mr. DUNN. What do you know about his efficiency and competency as a stock examiner?

Dr. BLACKWELL. I considered him efficient.

Mr. DUNN. You had an opportunity to see the character of work he did?

Dr. BLACKWELL. Yes, sir.

Mr. DUNN. How long did he work under your direction?

Dr. BLACKWELL. Two or three months, probably.

Mr. DUNN. Did you see a letter, which was referred to by Dr. Schirmer and Mr. Murphy, written in pencil by Dr. Ayer and copied and sent to the Department at Washington?

Dr. BLACKWELL. I saw it.

Mr. DUNN. Would you say that the letter indicates that the man who wrote or prepared it was capable of properly conducting, as chief, the affairs of that office, so far as the clerical part of it is concerned?

Dr. BLACKWELL. Not judging by that letter.

Mr. LAMBERT. Were you present when Dr. Ayer testified that your relations with Dr. White were such as tended to suppress important information which should reach him?

Dr. BLACKWELL. I heard just that much. I came in just at that time.

Mr. LAMBERT. You may state whether or not you sustained such relations to Dr. White.

Dr. BLACKWELL. No, sir; I did not.

Mr. LAMBERT. Did you ever suppress or withhold information from Dr. Ayer that was important to the Government?

Dr. BLACKWELL. No, sir; I did not.

Mr. LAMBERT. Did you ever tolerate drunkenness at your abattoir?

Dr. BLACKWELL. Whenever I saw anything of the kind I reported it. The taggers and stock examiners report to him in the morning and again in the evening, so that he has even a better chance of seeing how the work is done and the condition of the men than I have.

Mr. LAMBERT. In every instance when it came to your knowledge that the men were drinking or drunk you reported it?

Dr. BLACKWELL. I reported the matter on two or three occasions; three occasions, I think.

Mr. LAMBERT. You reported parties for drinking?

Dr. BLACKWELL. Yes, sir.

Mr. LAMBERT. You are a veterinary surgeon?

Dr. BLACKWELL. Yes, sir.

Mr. LAMBERT. Of how long standing?

Dr. BLACKWELL. I was graduated in 1887.

Mr. LAMBERT. Did you see the rating of the different parties in the bureau made by Dr. Ayer?

Dr. BLACKWELL. No, sir.

Mr. LAMBERT. From your knowledge of Mr. Holmes, if you were classifying or rating him, would you rate him at 50 or above 50?

Dr. BLACKWELL. I do not know the basis of the rating.

Mr. LAMBERT. On the basis of 100.

Dr. BLACKWELL. Do you refer to general efficiency?

Mr. LAMBERT. Yes.

Dr. BLACKWELL. I should rate him at 100.

Mr. LAMBERT. And Mr. Beal?

Dr. BLACKWELL. Mr. Beal has a little advantage over the others on account of his previous knowledge of stock. He was a very useful man in the yards, and I considered him one of the most capable men we had.

Mr. LAMBERT. Connected with the department?

Dr. BLACKWELL. Connected with the department.

Mr. LAMBERT. And equally faithful in the discharge of his duties?
Dr. BLACKWELL. Yes, sir.

TESTIMONY OF ALFRED N. HAGAN.

ALFRED N. HAGAN, being duly sworn, testified as follows:

Mr. LAMBERT. You reside in South Omaha?
Mr. HAGAN. Yes, sir.
Mr. LAMBERT. What is your business?
Mr. HAGAN. I am an employee of the Union Stock Yards Company.
Mr. LAMBERT. Are you acquainted with Don C. Ayer?
Mr. HAGAN. I am.
Mr. LAMBERT. And with Dr. White?
Mr. HAGAN. Yes, sir.
Mr. LAMBERT. I will ask you whether you ever called at Dr. White's office for the purpose of requesting him to attend a sick person?
Mr. HAGAN. Yes, sir.
Mr. LAMBERT. State Dr. White's response to that request.
Mr. HAGAN. The daughter of one of our neighbors, Mr. Stratton, was sick in 1895, and at noon as I was going back to the yard they requested me to call at Dr. White's office and ask him to come up. I called at Dr. White's office and he told me he could not attend patients during business hours.
Mr. LAMBERT. He did not go?
Mr. HAGAN. No, sir.
Mr. LAMBERT. I will ask whether or not during your connection with the stock yards you were detailed by the Stock Yards Company to investigate certain complaints made by shippers with reference to the condemnation of stock shipped in there?
Mr. HAGAN. Yes, sir. Along in November and December, 1894, and January, 1895, the general manager of the yard called me into his office and told me that a great number of complaints had been made in regard to the inspection of hogs; that is, there were loads of hogs coming into the yard, and quite a number of hogs were thrown out as piggy sows, and the shipper would make the statement that he did not have any male hogs on the farm. He requested me to go and look the matter up and see if I could find out where the trouble was. I went to the different scales and checked up the number of hogs, and out of whose loads they were thrown, and what inspector was at the scales. I took the tag numbers on the hogs and followed them to where they were being killed. They were being killed by small scalpers—Kennedy and Smith and Fisher here at Omaha, and some at Council Bluffs. I watched them kill the hogs. I was also ordered to make a written report of my findings. I followed up the hogs and made a written report, and I found that there were quite a number of hogs being thrown out that should not have been thrown out.
Mr. LAMBERT. Did you make an estimate of the percentage?
Mr. HAGAN. Yes, sir.
Mr. LAMBERT. What was it?
Mr. HAGAN. About one-half. When they found I was investigating the matter, they dropped down some.
Mr. LAMBERT. Do you know who made the condemnation?
Mr. HAGAN. Yes, sir.
Mr. LAMBERT. Who?

Mr. HAGAN. Mr. Payne, Mr. Beal, and Dr. Everett.

Mr. LAMBERT. Do you know whether or not the matter had been referred to Dr. Ayer and he had confirmed the condemnation made by the inspectors?

Mr. HAGAN. That is what I was told in the office; that the matter had been called to Dr. Ayer's attention.

Mr. LAMBERT. You say about 50 per cent were condemned without cause?

Mr. HAGAN. That is when I first started to investigate it—the first few days.

Mr. LAMBERT. Could you state the relative percentage with respect to Mr. Beal?

Mr. HAGAN. I noticed those very particularly, and my report will show that I found very few errors.

TESTIMONY OF DR. WILLIAM S. WHITE—RECALLED.

Mr. LAMBERT. Dr. White, do you wish to make a statement?

Dr. WHITE. Yes. Dr. Ayer laid great stress on the fact that he reported me several times to Dr. Devoe, the special agent. Dr. Devoe told me that Secretary Morton wished me to build up a good practice in South Omaha. Secretary Morton made a political speech in Lincoln a short time afterwards. On the same trip I went there and met Dr. Devoe at the Lincoln Hotel and had quite a conversation with him, and he repeated the same thing. He said "Secretary Morton desires you to build up a good practice in South Omaha." That is what Dr. Devoe, the special agent, said. On the 12th of September Dr. Ayer gave me an order that I was to make no calls from 8 o'clock in the morning until 4 o'clock in the afternoon.

Mr. LAMBERT. In what year?

Dr. WHITE. 1896; on the 12th of September, I think. One or two days afterwards I met him in the hall and asked him if he insisted on my not making calls at noon hour if I had a chance. He said "No, doctor, I will take that back. If you have a call go and make it at noon." That is the only statement I wish to make.

Mr. LAMBERT. I wish to ask you a question. Did the special agents ever make an examination of your department?

Dr. WHITE. They did.

Mr. LAMBERT. Each time when they came?

Dr. WHITE. Mr. Shelden never visited me at all.

Mr. LAMBERT. Did any of the others?

Dr. WHITE. Dr. Devoe visited me and so did Dr. Melvin. I wish to say that some time in September, 1896, Dr. Melvin complimented me on the order and discipline and the work.

Mr. LAMBERT. Do you recall Dr. Ayer's testimony wherein he said you frequently made calls during working hours?

Dr. WHITE. I do.

Mr. LAMBERT. State the facts in that connection.

Dr. WHITE. I deny it most emphatically, and I think I can show by all the girls who have testified that it is not true. It seems to me the committee can see that the testimony of the girls who saw me daily and hourly and every minute would be more competent than that of Dr. Ayer, who never visited me and who admits that he was out more than half or three-quarters of the day.

Mr. LAMBERT. There is one other question. State whether or not the reports which were sent in were signed by Dr. Ayer before they were sent in.

Dr. WHITE. They were all signed by Dr. Ayer. My daily reports and monthly reports were signed by him.

Mr. LAMBERT. State how often reports were returned to you for correction.

Dr. WHITE. I can not say, but it was very seldom. We all know that little clerical errors will occur with everybody; but they did not amount to anything.

Mr. LAMBERT. Was it only a few times that it occurred?

Dr. WHITE. Yes; only a few times. You can question the girls who have been called or those who will appear hereafter. Their testimony will prove that.

Mr. LAMBERT. State whether or not you know of your own knowledge of Dr. Ayer's reports being returned for the purpose of correction.

Dr. WHITE. I know they were returned much oftener than or equally as often as my own. The committee knows that will occur in all departments of the Government.

The CHAIRMAN. State the facts without any comment.

Dr. WHITE. I know those reports were returned occasionally.

The CHAIRMAN. How many parties are employed at South Omaha?

Dr. WHITE. During the late Administration?

The CHAIRMAN. At any time. How many are engaged there now?

Dr. WHITE. I think there are about forty.

The CHAIRMAN. About forty individuals?

Dr. WHITE. There may be a few more at the present time. There are more than that, because there have been ten or eleven girls added; perhaps there are fifty or fifty-five now.

The CHAIRMAN. You were there in 1895?

Dr. WHITE. Yes, sir.

The CHAIRMAN. Do you know the politics of the employees who were there at the time?

Dr. WHITE. I do.

The CHAIRMAN. How was it?

Dr. WHITE. I think they were all Democrats except one, the inspector at the Cudahy house. I understand he was a Republican and that he had passed the civil service examination. I think they were all Democrats except that one person.

The CHAIRMAN. Had the other parties been required to stand an examination?

Dr. WHITE. No, sir.

TESTIMONY OF MISS MARY A. DALTON.

Miss MARY A. DALTON, being duly sworn, testified as follows:

Mr. DUNN. You are one of the persons who were employed some time ago as microscopist at South Omaha?

Miss DALTON. Yes, sir.

Mr. DUNN. When did you enter the employment of the Government in that department?

Miss DALTON. In June, 1894, I think.

Mr. DUNN. Then you worked steadily up to what date?

Miss DALTON. I worked then until October.

Mr. DUNN. Of the same year?

Miss DALTON. Yes. Then I was furloughed indefinitely.

Mr. DUNN. When, if at any time, did you go to work again?

Miss DALTON. I did not go to work again until I was reappointed in July of the following year.

Mr. DUNN. July, 1895?

Miss DALTON. Yes.

Mr. DUNN. How long did you then work there?

Miss DALTON. I worked until I was discharged.

Mr. DUNN. When was that?

Miss DALTON. The 15th of November.

Mr. DUNN. Of what year?

Miss DALTON. 1896.

Mr. DUNN. Last year?

Miss DALTON. Yes; that was when we were not furloughed.

Mr. DUNN. You were furloughed occasionally during that time for a week at a time or two weeks?

Miss DALTON. Yes, sir.

Mr. DUNN. Was Dr. White furloughed at different times when the microscopists in his department were furloughed?

Miss DALTON. Dr. White could not work either.

Mr. DUNN. When the girls were off, he was off too?

Miss DALTON. Yes.

Mr. DUNN. From whom did you receive the notification? Who signed the notification of discharge from the Department?

Miss DALTON. Secretary Morton.

Mr. DUNN. The name of Secretary Morton was signed to it?

Miss DALTON. Yes, sir.

Mr. DUNN. What reasons were given for your discharge?

Miss DALTON. Neglect of duty.

Mr. DUNN. State whether or not during the time you were employed there the rules of the Department provided that you should begin work at a certain time and quit work at a certain time.

Miss DALTON. No, sir.

Mr. DUNN. What were the rules that governed your conduct as to the work to be performed?

Miss DALTON. We were supposed to come to work at half past 8 and to work until 3 o'clock or half past.

Mr. DUNN. Who informed you that you were to go to work at 8 o'clock? Did Dr. White or was it a written rule of the Department?

Miss DALTON. Dr. White.

Mr. DUNN. He had charge of the matter?

Miss DALTON. Yes, sir.

Mr. DUNN. State whether during the time you were in the employ of the Bureau of Animal Industry at South Omaha you complied with the rules and regulations with reference to going to work and quitting work.

Miss DALTON. I did.

Mr. DUNN. State whether or not any other person than Dr. White was in charge of your department or had any supervision over the work you were doing.

Miss DALTON. Nobody else that I know of.

Mr. DUNN. State whether or not there was any foreman or assistant overseer in the department other than Dr. White.

Miss DALTON. There was nobody.

Mr. DUNN. How many microscopists were working there during the time you were there?

Miss DALTON. When I first went on, there were about sixteen.

Mr. DUNN. And when you were discharged in 1896 how many?

Miss DALTON. I think there were ten.

Mr. DUNN. Did anybody, so far as you know, ever make any complaint against you or regarding your work?

Miss DALTON. Not that I know of.

Mr. DUNN. Did Dr. Ayer ever make any complaint, so far as you know?

Miss DALTON. No.

Mr. DUNN. Did you ever have any talk or conversation with Dr. Ayer regarding your work?

Miss DALTON. No.

Mr. DUNN. He would come into the department occasionally?

Miss DALTON. Very seldom.

Mr. DUNN. Do you know through whom and in what way any complaints charging you with neglect of duty reached the Department at Washington?

Miss DALTON. I do not.

Mr. DUNN. State whether or not during the time you worked there anything occurred that has given you reason to believe that a complaint was made through certain parties?

Miss DALTON. No; I do not think so.

Mr. DUNN. Have you no idea as to how that complaint was made and who made it—that is, an opinion?

Miss DALTON. An opinion? Well, of course, we passed an opinion that we thought Mrs. Ida E. Bushnell was the one who made the complaint.

Mr. DUNN. Who is she?

Miss DALTON. She is Tob Castor's sister.

Mr. DUNN. Who is Tob Castor? Is he or was he a politician?

Miss DALTON. He was supposed to be.

Mr. DUNN. A friend of Mr. Morton?

Miss DALTON. Yes.

Mr. DUNN. Do you know whether he was the national committeeman from Nebraska at the time Mr. Morton was appointed Secretary of Agriculture?

Miss DALTON. I guess he was, but I do not know very much about that.

Mr. DUNN. What leads you to believe that Mrs. Bushnell, Mr. Castor's sister, made any complaint regarding your work or the work of any other person in your department?

Miss DALTON. In the first place, she was always running down to Dr. Ayer with every little thing; at least, we supposed she was. She was constantly running down with little complaints. One day, in the afternoon, Dr. Ayer came up. He never asked Dr. White if Mrs. Bushnell could be excused; he just took her down stairs and she stayed there two hours, and we supposed there was somebody down there communicating with her.

Mr. DUNN. Did that occur very often?

Miss DALTON. That occurred right after the election. That was one instance; but whenever she felt like it, she jumped up out of the room and went down stairs without asking Dr. White whether she could or could not go.

Mr. DUNN. State whether or not upon any other occasion Dr. Ayer showed any particular favoritism to Mrs. Bushnell?

Miss DALTON. She came to work at 10 o'clock, or 9 o'clock, or 12 o'clock.

Mr. DUNN. Was she late frequently?

Miss DALTON. I never knew her to come early.

Mr. DUNN. Did she quit before her time was up?

Miss DALTON. If she felt like it. Sometimes she would ask Dr. White to be excused, and if Dr. White was not willing she would go downstairs and ask Dr. Ayer.

Mr. DUNN. Do you know of such a thing as Dr. White being asked and he refusing to give his consent, and that she would go downstairs and get excused by Dr. Ayer?

Miss DALTON. Yes.

Mr. DUNN. Were there any other persons employed in the department who received such favors from Dr. Ayer?

Miss DALTON. Miss Gibson.

Mr. DUNN. Who is she?

Miss DALTON. She lives in South Omaha and is one of the employees.

Mr. DUNN. Is she still in the employ of the Government?

Miss DALTON. Yes.

Mr. DUNN. And so is Mrs. Bushnell?

Miss DALTON. Yes.

Mr. DUNN. They are rated at a hundred by Dr. Ayer?

Miss DALTON. I suppose so.

Mr. DUNN. You may state whether or not you were present on election day.

Miss DALTON. I was.

Mr. DUNN. State whether or not you on that day heard any conversation between Mrs. Ida E. Bushnell and Dr. White of a political nature.

Miss DALTON. No; I did not hear it, with the exception of the conversation about the Irish crowd. That is all I heard.

Mr. DUNN. You mean the train known as the John P. Irish train, which followed the train known as the Bryan train through this State on a political mission?

Miss DALTON. Yes.

Mr. DUNN. What took place between Mrs. Bushnell and Dr. White?

Miss. DALTON. Mr. Zeller came up into the office, if I remember correctly, and Dr. White said, "I wonder how Mr. Irish feels this morning?" and Mrs. Bushnell spoke up and says, "Dr. White, you must remember that my brother was on that train." She said, "You and others will be sorry"——

Mr. DUNN. Sorry that he was on the train, or what?

Miss DALTON. "I will remember that for you, Dr. White."

Mr. DUNN. Sorry for what?

Miss DALTON. That Dr. White had made the remark.

Mr. DUNN. Did she say anything to any of the girls at that time; to Miss Flynn or to yourself?

Miss DALTON. Not on that day.

Mr. DUNN. Did she make any threats at any other time regarding any of the other girls?

Miss DALTON. She said, "If Bryan is elected I will not work here, and if McKinley is elected I will see that Miss Dalton and Miss Flynn go."

Mr. DUNN. You were afterwards discharged?

Miss DALTON. Yes. I said, "I do not know about that."

Mr. DUNN. What did she say in reply?

Miss DALTON. "I will see."

Mr. DUNN. That was what time?

Miss DALTON. That was two or three weeks before the election.

Mr. DUNN. How soon after the election were you discharged?

Miss DALTON. I was discharged about ten days.

Mr. DUNN. After the election?

Miss DALTON. After the election.

Mr. DUNN. Do you know anything about the rating that was made, whether it was made before or after your discharge?

Miss DALTON. I do not know.

Mr. DUNN. Did you receive your discharge from Dr. Ayer personally—that is, the envelope containing the discharge?

Miss DALTON. Yes, sir.

Mr. DUNN. What, if anything, did he say to you at the time you received it from him?

Miss DALTON. We quit at half past 11 on Saturday. We were discharged on Saturday, and Conoyer came upstairs and told Dr. White that Dr. Ayer wanted to see Miss Flynn and me before we left. That was about fifteen minutes before quitting time. When we were ready we went downstairs and went to his office. He said he had a document for us and wanted us to sign the pay roll. Miss Flynn said, "This is rather early in the month to sign the pay roll." He said, "Yes; we have a document for you two girls." Miss Flynn opened hers and saw it was a discharge for neglect of duty. She said, "How does this come, Dr. Ayer, that I am discharged for neglect of duty?" He said, "Girls, I do not know anything more about it than you do."

Mr. DUNN. Did he say whether he knew anything about your having neglected your duty?

Miss DALTON. No, sir.

Mr. LAMBERT. You were under Dr. White's charge?

Miss DALTON. Yes.

Mr. LAMBERT. For some years?

Miss DALTON. Yes.

Mr. LAMBERT. From the time he took charge?

Miss DALTON. Yes, sir.

Mr. LAMBERT. State whether or not Dr. White was always punctual and on hand in the morning.

Miss DALTON. Always.

Mr. LAMBERT. You always found the work properly distributed?

Miss DALTON. Always.

Mr. LAMBERT. State whether or not he was absent on any occasion to your knowledge.

Miss DALTON. I do not remember his being absent.

Mr. LAMBERT. State whether or not he preserved good order in the department.

Miss DALTON. He always did.

Mr. LAMBERT. Do you remember that he responded to any calls?

Miss DALTON. I have seen Dr. Ayer come up to the office and ask him to come down, but I do not remember that he went. He never went.

Mr. LAMBERT. You do not remember that he was ever absent from the department any considerable length of time?

Miss DALTON. Never.

Mr. LAMBERT. He always kept the department in good order and in good shape?

Miss DALTON. Yes, sir.

Mr. LAMBERT. And was always ready to aid you in anything you might desire in the way of giving instructions, etc.?

Miss DALTON. Yes, sir; always.

TESTIMONY OF MISS MARY FLYNN.

Miss MARY FLYNN, being duly sworn, testified as follows:

Mr. DUNN. You went to work in the Bureau of Animal Industry at South Omaha at the same time that Miss Dalton went to work?

Miss FLYNN. Yes, sir.

Mr. DUNN. And worked during the same period?

Miss FLYNN. Not for the same period. Miss Dalton was discharged and I was not.

Mr. DUNN. Do you mean discharged or furloughed?

Miss FLYNN. She was furloughed and then discharged.

Mr. DUNN. That was some time in the year of 1894, was it not?

Miss FLYNN. It was on the 1st of September of the same year we were appointed.

Mr. DUNN. You worked then steadily from the time you commenced in the year 1893 until what time?

Miss FLYNN. I did not work steadily until December. We were furloughed in December and worked a little, and then furloughed a little all through that winter and part of the summer until the following October.

Mr. DUNN. That was October, 1895?

Miss FLYNN. Yes.

Mr. DUNN. From the commencement of October, 1895, until the time you were discharged in 1896 you worked most of the time?

Miss FLYNN. Worked and were furloughed. We were absent pretty nearly a year.

Mr. DUNN. You may state whether or not, so far as you know, any person ever made any complaint of the way you performed the work assigned to you in the department.

Miss FLYNN. No, sir; I never heard of a complaint being made.

Mr. DUNN. Did Dr. Ayer come into the department occasionally?

Miss FLYNN. He came in once in a while.

Mr. DUNN. Dr. White was in control and charge of the department?

Miss FLYNN. He was, after Dr. Siggins. Dr. Siggins was there when I came, and Dr. White took charge the following September.

Mr. DUNN. Dr. White never complained to you, individually or otherwise, of the work that was being done?

Miss FLYNN. No, sir.

Mr. DUNN. State, if you know, how the complaints reached the Department at Washington that you were negligent and failed to perform the duties of the office.

Miss FLYNN. Dr. Ayer denied reporting me. Mrs. Ida Bushnell threatened to report me if Mr. McKinley was elected.

Mr. DUNN. When did she make that threat?

Miss FLYNN. During the campaign.

Mr. DUNN. For what reason did she say she would have you reported?

Miss FLYNN. The girls were talking politics one day, and she said to Miss Dalton: "Miss Dalton, if Mr. McKinley gets elected you will go"; and she said, "Miss Flynn, your indorser is a silverite, and you will go, too." I said, "Mrs. Bushnell, do you not realize that I am under

the civil service?" She said: "Civil service, nothing. You will go just the same."

Mr. DUNN. At the time you received your discharge, what did Dr. Ayer say, if anything?

Miss FLYNN. I opened my discharge and read, "Neglect of duty," and I asked Dr. Ayer if he did it, and he said, "No; I am perfectly innocent of anything in regard to your dismissal." He said, "It was just as much of a surprise to me as to you."

Mr. DUNN. State whether or not you obeyed the rules of the department in reference to the time of beginning and quitting work, and in the performance of the duties of the position generally.

Miss FLYNN. I obeyed Dr. White the very best I knew how.

Mr. DUNN. Dr. White determined when you should commence work and when you should quit?

Miss FLYNN. Yes, sir.

Mr. DUNN. State whether or not Mrs. Bushnell and certain others there were shown favors which were denied to others in the department.

Miss FLYNN. They took advantages which we did not get. They came in the morning when they got ready, sometimes; it was not always, but very often.

Mr. DUNN. Whom do you mean when you say "they?"

Miss FLYNN. Mrs. Bushnell and Miss Gibson.

Mr. DUNN. Would Dr. Ayer interfere occasionally in the management of the department without consulting Dr. White?

Miss FLYNN. No; we were under Dr. White's special supervision.

Mr. DUNN. Would Dr. Ayer interfere with reference to allowing Mrs. Bushnell or anybody else to be excused and go home?

Miss FLYNN. Oh, yes. Dr. White frequently refused Mrs. Bushnell, and she would go downstairs and get Dr. Ayer's consent, I suppose, for she went after Dr. White had refused her.

Mr. DUNN. Do you remember whether shortly after the election she went downstairs to the office of Dr. Ayer, and remained there for some time, without the consent of Dr. White?

Miss FLYNN. Yes, sir.

Mr. LAMBERT. How long were you there during Dr. White's charge of the department?

Miss FLYNN. I was there from September, 1893, until I was dis charged. Dr. White came at that time.

Mr. LAMBERT. Dr. White had control all the time you were there?

Miss FLYNN. Yes, sir.

Mr. LAMBERT. State whether or not he was punctual in the morning?

Miss FLYNN. Yes, sir; he was always there before I was.

Mr. LAMBERT. You found your work properly distributed?

Miss FLYNN. My work was always laid out.

Mr. LAMBERT. Did he personally remain in charge of the department throughout each day?

Miss FLYNN. Yes, sir.

Mr. LAMBERT. Do you know of his attending any professional calls or being absent during office hours?

Miss FLYNN. He was absent one forenoon, and Mr. Sidney, his son, gave us the work.

Mr. LAMBERT. Do you know when he returned; whether it was before or after working hours?

Miss FLYNN. He came when we were starting to work, and he said, "Girls, I will be gone a little while." I think that was the morning.

Mr. LAMBERT. Is that the only time you recall that he was absent?

Miss FLYNN. Yes, sir; absent from the office.

Mr. DUNN. He never left right in the middle of the day and went out to attend professional calls?

Miss FLYNN. No, sir; I never knew him to go out. I never saw him go out.

Mr. LAMBERT. He was always ready and willing to do any work for the assistants?

Miss FLYNN. Yes, sir; he was always there. Dr. White always did the condemning, and he was always there to condemn the work when it was necessary.

Mr. LAMBERT. Do you recall Dr. Ayer's statement, where he testified to certain mistakes appearing in a report made by Dr. White?

Miss FLYNN. Yes, sir.

Mr. LAMBERT. Do you recall the circumstances surrounding that mistake?

Miss FLYNN. I think so.

Mr. LAMBERT. State to the committee just what that mistake consisted of and how it happened.

Miss FLYNN. Do you mean in sending the reports to Washington?

Mr. LAMBERT. No; the time which has been referred to here.

Miss FLYNN. Mr. Schibsby came up in the morning and asked for the numbers, and Dr. White said to come back at 1 o'clock. This is as near as I can remember it. Mr. Schibsby came back. I think the work was all done, but the numbers had not been booked, and Mr. Schibsby went to the book and got the numbers from it. It developed afterwards in the office that there was a mistake made. I told Dr. White I thought there was a mistake made, and he said he would make it all right. He went down stairs and telephoned. He said he telephoned to the abattoir where Mr. Schibsby worked and had it made all right.

Mr. LAMBERT. Do you know whose fault it was in making the mistake in the first instance?

Miss FLYNN. I could not really say whose fault it was.

Mr. LAMBERT. Do you know whether it was Dr. White's fault?

Miss FLYNN. We quit work at half past 11. Mr. Schibsby did not come until 1, and the numbers which were disqualified were not booked.

Mr. LAMBERT. Were they properly copied into the book?

Miss FLYNN. They were properly copied into the report, but they were not transferred to Dr. White's daybook, and of course Mr. Schibsby copied the numbers from the daybook.

Mr. LAMBERT. Where was that?

Miss FLYNN. On Dr. White's desk.

Mr. LAMBERT. Do you know whether the daybook was correct?

Miss FLYNN. All the numbers had been copied into it. I think Mr. Schibsby took them. Perhaps there were two numbers that had not been copied. Two girls had two pieces that were disqualified which had not been transferred to the daybook.

Mr. LAMBERT. Whose duty was it to transfer them?

Miss FLYNN. We called the numbers and Dr. White did the writing.

Mr. LAMBERT. Did Mr. Schibsby come to get those numbers at the regular time, at the time when he usually called?

Miss FLYNN. No, sir.

Mr. LAMBERT. When should he have called?

Miss FLYNN. He should have come at 4 o'clock. That was the time.

Mr. LAMBERT. In the evening?

Miss FLYNN. Yes, sir.

Mr. LAMBERT. This was what time?

Miss FLYNN. Between 12 and 1 o'clock, or thereabouts.

Mr. LAMBERT. And the girls had not got through?

Miss FLYNN. It was our noon hour.

Mr. LAMBERT. You heard the conversation between Mrs. Bushnell and Dr. White?

Miss FLYNN. Yes, sir.

Mr. LAMBERT. Will you repeat the conversation as you heard it between the two parties?

Miss FLYNN. Yes, sir. Zeller came into the office, and Dr. White said, "How do you suppose Mr. Irish and his crowd feel this morning after killing that man," or "boy," I forget which. Dr. White and Mr. Zeller exchanged words about him. I can not repeat the words. Mrs. Bushnell stood up and walked a few steps toward Dr. White and pointed her finger at him and said, "Dr. White, do you know that my brother was on that train?" He said, "Yes." She said, "Well, I will remember that for you, and I will see that others remember it, too, and you will be sorry."

Mr. LAMBERT. Do you know whom she meant by her brother?

Miss FLYNN. I do. Mr. Tobias Castor.

TESTIMONY OF PETER W. SHERLOCK.

PETER W. SHERLOCK, being duly sworn, testified as follows:

Mr. DUNN. What position did you hold during the years 1894 and 1895 and part of 1896 in the Bureau of Animal Industry at South Omaha?

Mr. SHERLOCK. Tagger.

Mr. DUNN. Under whose direction and at what abattoir did you work?

Mr. SHERLOCK. I was under Dr. Schirmer for awhile and then under Dr. Blackwell.

Mr. DUNN. State whether or not you were in South Omaha on the 10th or the 11th day of April, 1896.

Mr. SHERLOCK. I was.

Mr. DUNN. Do you remember the 11th of April as being the day on which the Democratic county central committee of Douglas County held a meeting for the purpose of choosing delegates to a State convention that was afterwards to convene in Lincoln, in this State?

Mr. SHERLOCK. Yes, sir.

Mr. DUNN. State whether or not on the 10th or 11th of April of that year you had any conference or talk with Dr. Ayer, chief of the Bureau of Animal Industry at South Omaha, regarding that meeting.

Mr. SHERLOCK. It was on the 11th of April, about quarter past 12 o'clock. Mr. Zeller, who was a partner of mine, came back and asked me if I saw Dr. Ayer. I said I had not. He said, "He is looking for you. I met him up the street." In about ten minutes he came up. I met him at the elevator, at the head of the stairs. He said, "I want you to go up town this afternoon." "For what?" He said, "They want you up at the committee meeting." I said, "I am no committeeman."

Mr. DUNN. Did he say whom he meant by "they?"

Mr. SHERLOCK. He did not say, but it was understood.

Mr. DUNN. What did you understand?

Mr. SHERLOCK. I understood that the committee, meaning Martin, McHugh, and Sheean, desired my presence at the committee meeting.

Mr. DUNN. Your connection with political matters prior to that time had enabled you to understand that Mr. Martin, and Mr. McHugh, and Mr. Sheean were meant?

Mr. SHERLOCK. Yes, sir. I told him I was no committeeman. He said, "That cuts no ice; they have a proxy for you, and you go up there, and," he said, "skin them."

Mr. DUNN. Did he say whom he meant by the other fellows?

Mr. SHERLOCK. It was understood that it was the Bryan faction. He was against them, of course.

Mr. DUNN. What, if anything, did you do after that?

Mr. SHERLOCK. I went to the committee meeting with Mr. Zeller and Mr. Butler, I think about a quarter to 2. He said he would send men from the other abattoirs to do our work if we left our work undone, but to be there early and to be on the ground when the meeting opened, as they wanted to capture the meeting. I went up. If I remember aright I had the proxy of a man by the name of Schroeder. You asked me where I got the proxy, and I said from Schroeder, and you said Schroeder had been dead six months. Do you remember that, Mr. Dunn?

Mr. DUNN. I am not testifying. Did you have any conversation with Dr. Ayer after returning from the meeting?

Mr. SHERLOCK. No, sir.

Mr. DUNN. You were not able to report to him that his injunction to "skin them" had been carried out?

Mr. SHERLOCK. No; I was not.

Mr. DUNN. Did you have any conversation with him at any other time during the campaign with reference to political matters?

Mr. SHERLOCK. No; we kept away from him as far as we could.

Mr. DUNN. State whether or not at any other time, before or after that, you were requested by Dr. Ayer to attend any political meeting.

Mr. SHERLOCK. I believe there were a couple of times previous to that, but I can not exactly state the time. We were supposed to be hustled out on all occasions. That is how we got our jobs there—for political activity—and we were supposed to give "value received."

Mr. DUNN. You did the best you could to give "value received" whenever requested by Dr. Ayer or any of the other gentlemen?

Mr. SHERLOCK. Yes, sir.

Mr. DUNN. You were not, upon those occasions, particular as to whether or not the work of the Government was performed?

Mr. SHERLOCK. Not very.

Mr. DUNN. You were instructed by Dr. Ayer not to be particular about that point?

Mr. SHERLOCK. We were instructed to be at the meeting and to let the work go; that they would send other men to do the work; and the work was always done, I suppose.

Mr. DUNN. Did you ever have any conversation in the fall campaign in 1896 with Mr. Martin or Mr. McHugh or Mr. Sheean in reference to doing political work for the party?

Mr. SHERLOCK. No, sir; they never spoke to me. They understood how I stood.

Mr. DUNN. Your communication, then, was entirely with Dr. Ayer?

Mr. SHERLOCK. Yes, sir; Dr. Ayer.

Mr. DUNN. In what department did you work; what abattoir?

Mr. SHERLOCK. In the beef department at Hammond's.

Mr. DUNN. Did you work with Mr. Zeller?

Mr. SHERLOCK. Yes, sir.

Mr. DUNN. What do you know as to his being prompt and on hand?

Mr. SHERLOCK. Mr. Zeller was considered the best man in the department. He was always prompt. He never was absent. He was punctual. He did his work, and he was considered the best man, generally, in the department.

Mr. DUNN. Did you ever hear Dr. Ayer or anybody else complain of his work?

Mr. SHERLOCK. No, sir.

Mr. DUNN. He went to the committee meeting with you?

Mr. SHERLOCK. Yes, sir.

Mr. DUNN. At the same time?

Mr. SHERLOCK. Yes, sir.

Mr. DUNN. Do you know whether he was a regular committeeman, or received a proxy?

Mr. SHERLOCK. He was a regular committeeman. I was the only one who had a proxy.

Mr. DUNN. You represented a dead man?

Mr. SHERLOCK. Yes, sir.

Mr. DUNN. Do you know Mr. George Seay?

Mr. SHERLOCK. Yes, sir. I was in the same office.

Mr. DUNN. What kind of a man is he?

Mr. SHERLOCK. He was a very punctual man and is very quiet. He had no interference with anyone. He did his work.

Mr. DUNN. Do you know Mr. James Murphy?

Mr. SHERLOCK. Yes, sir. I worked with him for several months.

Mr. DUNN. What do you know about Mr. Murphy's efficiency and as to his being on hand?

Mr. SHERLOCK. Mr. Murphy while I was with him was all right. He was punctual and did his work. We really did four men's work. He was a partner of mine for nearly a year.

Mr. DUNN. Did Dr. Ayer ever talk to you about the work or complain of it?

Mr. SHERLOCK. I very seldom saw Dr. Ayer. He very seldom came near us. Once in a while I would see him when the horse was sick at Hammond's, coming over to attend it professionally. From the window I would see him around the barn there.

Mr. DUNN. Do you know that Dr. Ayer attended to his professional duties as a horse doctor during business hours?

Mr. SHERLOCK. I guess it did not cut any figure. I guess he caught everything going.

Mr. DUNN. Did you ever see him at Hammond's barn?

Mr. SHERLOCK. The bookkeeper met me one morning—one of the Hammond men—and asked me if Ayer had come down. He said, "I want him, as one of the horses has the colic." He went up to the office. That was at 9 o'clock.

Mr. DUNN. Did you, personally, ever see Dr. Ayer attending to that kind of work during the office hours of the department?

Mr. SHERLOCK. I saw him come out and go into the barn; the Hammond packing-house barn.

Mr. DUNN. How far was that from his office?

Mr. SHERLOCK. About a block. We were in the window. We used to sit in the window and we could see him.

Mr. DUNN. Did Dr. Ayer ever complain to you of your work in the department?

Mr. SHERLOCK. Not that I know of. He never did to me.

Mr. DUNN. Or to anybody else?

Mr. SHERLOCK. Not that I know of.

Mr. DUNN. Under whose direction were you?

Mr. SHERLOCK. Schirmer and Blackwell.

Mr. DUNN. Did either of them ever complain or file any complaint against you, so far as you know?

Mr. SHERLOCK. No, sir; not that I know of.

Mr. DUNN. Was any complaint of your work ever made to you by anybody?

Mr. SHERLOCK. Not that I know of.

Mr. DUNN. You were there how long?

Mr. SHERLOCK. A couple of years; two years and a half, or something like that. I desire to state that when Mr. Huston was here I was called in the interest of these ladies and gentlemen. I knew that an injustice had been done to them, and I thought I would go up and testify. It was at the hotel in the evening, and I went up into the room. I stopped in the hall to talk to Mr. Murphy, and while we were talking Mr. Ayer and Mr. Shelden, the special agent from Washington, came down stairs and they said, "You had Ayer put out of the room." We did not know what was meant. Mr. Murphy went up stairs to see what was meant. He ran out on the sidewalk to catch them. They reported us and we were furloughed.

Mr. DUNN. You testified in the investigation before Mr. Huston, and you were called by the parties seeking investigation by the Civil Service Commission?

Mr. SHERLOCK. Yes, sir.

Mr. DUNN. How long after that was it before you were discharged?

Mr. SHERLOCK. Not long. We were suspended. We were first notified to send in our resignations, but we did not do that.

Mr. DUNN. You were then suspended?

Mr. SHERLOCK. Yes, sir; we were then suspended.

Mr. DUNN. You are still furloughed?

Mr. SHERLOCK. Yes, sir.

Mr. DUNN. Indefinitely?

Mr. SHERLOCK. Yes, sir; indefinitely. I am not seeking the position back. I do not wish to go back at all, but I wish to be let out right.

Mr. DUNN. Do you know Mr. Holmes?

Mr. SHERLOCK. Yes, sir.

Mr. DUNN. Did he work in the same department with you?

Mr. SHERLOCK. Yes, sir; at Hammond's.

Mr. DUNN. State whether or not you had an opportunity to observe if Mr. Holmes attended to his work and was on hand.

Mr. SHERLOCK. I had an opportunity of seeing Mr. Holmes every day. We would all meet in the same office.

Mr. DUNN. Did you hear the testimony of Dr. Ayer that Mr. Holmes used to come down at 9 or 10 o'clock in the morning and very often be away from his duties?

Mr. SHERLOCK. That was the way with all of us. They all did the same thing.

Mr. DUNN. What do you mean?

Mr. SHERLOCK. When there was not work to do—when they would commence to kill at 12 o'clock—he would report at 9 or 10.

Mr. DUNN. Would Mr. Holmes be notified by the man in charge?

Mr. SHERLOCK. He would receive word the night before that they would not kill until 12 o'clock.

Mr. DUNN. He would receive information to that effect?

Mr. SHERLOCK. It was placed on the blackboard at what time they would commence.

Mr. DUNN. So that whenever he came at 10 o'clock it was because he was notified that he did not need to come any earlier?

Mr. SHERLOCK. Yes, sir; that is right.

Mr. DUNN. When work was going on and he ought to be there, did you ever know him to be absent?

Mr. SHERLOCK. No, sir; I never missed him.

Mr. DUNN. Did you ever hear anybody make any complaint of his inefficiency?

Mr. SHERLOCK. No, sir. I have always heard Dr. Schirmer say that he had a good man in Holmes, and also that he had a good man in Seay.

Mr. DUNN. Do you know Mr. Guy?

Mr. SHERLOCK. Yes, sir; he was a stock inspector.

Mr. DUNN. Did you ever know him to be absent or negligent?

Mr. SHERLOCK. No, sir.

Mr. DUNN. What was his standing and reputation among the men for efficiency?

Mr. SHERLOCK. His standing was very good.

Mr. DUNN. Did Mr. Guy seem to be a very capable man?

Mr. SHERLOCK. A very capable man, indeed.

Mr. DUNN. That is all, unless you have something more to state.

Mr. SHERLOCK. I have not.

TESTIMONY OF GEORGE H. GUY.

GEORGE H. GUY, being duly sworn, testified as follows:

Mr. DUNN. Where is your residence?

Mr. GUY. 1913 St. Marys avenue.

Mr. DUNN. In the city of Omaha?

Mr. GUY. Yes, sir.

Mr. DUNN. How long have you lived in this county?

Mr. GUY. I have lived here since 1868.

Mr. DUNN. State when you went into the employ of the Government at South Omaha?

Mr. GUY. It was about October 11, 1894, I think.

Mr. DUNN. You may state how long you were furloughed at any time?

Mr. GUY. I was furloughed on the 1st of August; no, suspended.

Mr. DUNN. Of what year?

Mr. GUY. This year.

Mr. DUNN. For what cause?

Mr. GUY. My rating was so low that the Government said they could not stand it. I never saw the rating. Here is the letter from the Department. I asked Dr. Ayer why it was. He said he knew nothing about it any more than I did. I could not get any information from him. I wrote to the Department, and this is the answer I got.

The CHAIRMAN. Did he state to you that he had refused to give or had not given the Department any information with respect to your rating?

Mr. GUY. He told me he knew nothing about it any more than I did. I was surprised. I asked the doctor why it was and he said "I know nothing about it any more than you do."

The CHAIRMAN. Did he state positively that he had not given the Department your rating?

Mr. GUY. He did not say anything about the rating. I said, "Why is it?" and he said, "I know nothing whatever about it."

Mr. DUNN. The question is, did he say to you that he had not made a report to the Government regarding you?

Mr. GUY. He did not.

Mr. DUNN. He said nothing about the matter at all, except that he absolutely knew nothing about it?

Mr. GUY That is all.

Mr. DUNN. Did you ask him at any time who made your rating?

Mr. GUY. No, sir; I did not.

Mr. DUNN. Do you know what rating was referred to—the first or second rating?

Mr. GUY. I do not know.

Mr. DUNN. Do you know what the rating was?

Mr. GUY. I never knew.

Mr. DUNN. Do you know whether or not you were ever rated?

Mr. GUY. I do not know. Yes, I do, for some of the men who were at the investigation said they saw it, and I asked them what it was, and they said they did not remember. So I never knew how I was rated.

Mr. DUNN. Under whose immediate direction were you?

Mr. GUY. I was under that of Dr. Blackwell.

Mr. DUNN. Do you know whether Dr. Blackwell ever made any complaint against you?

Mr. GUY. I know he never did. I am satisfied he never did, because he was always well pleased.

Mr. DUNN. Do you know whether any complaint was ever made against you?

Mr. GUY. There was no complaint whatever from Dr. Ayer or anybody else.

Mr. DUNN. You have no knowledge as to how or through whom the complaint was made to the Department?

Mr. GUY. I suppose through Dr. Ayer, although I do not know, because he never was very friendly to me at any time.

Mr. DUNN. Do you know why he was not?

Mr. GUY. I do not. I always treated him with the greatest respect and as well as I knew how. He thought, perhaps, I knew too much for him or more than he did.

Mr. DUNN. You may state whether or not you had a conversation with Dr. Ayer at one time regarding the inspection in which he said to you that he, Dr. Ayer, had taught Mr. Holmes and somebody else how to inspect, and for you to go over to them and learn something about inspection.

Mr. GUY. One day I met him in the hall. I was coming away. We got through killing at noon, and I put in my report and started out. He met me in the hall, and he said, "Guy, I instructed Mr. Holmes and Mr. Jacobs, and if you think best, you might go over when you have leisure some time and see them and perhaps you could learn something from them." I told him, "Doctor, I do not think it worth while, for they both came into the department after I did, and when they went to work on the floor examining hogs they both came over to see me and I gave them all the instructions I knew how." Therefore I could learn nothing from them, and I did not think it worth while to go there.

Mr. DUNN. So far as you know were there any complaints at all made of your work?

Mr. GUY. No, sir.

Mr. DUNN. No other person than Dr. Blackwell had immediate charge of your department?

Mr. GUY. No, sir.

Mr. DUNN. Did you see Mr. Holmes and Mr. Seay in the performance of their duties?

Mr. GUY. I have seen them several times.

Mr. DUNN. From your knowledge of their work, and so far as you could judge, state whether or not they appeared to be neglecting the work or to be incompetent in any way.

Mr. GUY. I do not think they did, so far as anything I ever saw is concerned.

Mr. DUNN. Do you know Mr. Murphy?

Mr. GUY. Yes, sir.

Mr. DUNN. He was a tagger in the same building?

Mr. GUY. Yes, sir.

Mr. DUNN. Did you have an opportunity to see when he came to work and when he went away, and whether he was drunk?

Mr. GUY. Yes, sir; I did.

Mr. DUNN. Do you remember whether or not he was absent when he should have been at work?

Mr. GUY. I do not know of any such time.

Mr. DUNN. What do you know of his efficiency?

Mr. GUY. I should say it was good.

Mr. DUNN. You never heard anybody complain of him?

Mr. GUY. No, sir; they always did brag on his work, that he could do more than any other man in the house in his line.

At 5 o'clock and 20 minutes p. m. the subcommittee took a recess until 7.30 o'clock p. m.

AFTER RECESS.

At the expiration of the recess the subcommittee resumed its session.

TESTIMONY OF GEORGE G. SEAY.

GEORGE G. SEAY, being duly sworn, testified as follows:

Mr. DUNN. What time did you begin work in the Department of Animal Industry at South Omaha, in this State?

Mr. SEAY. On the 25th of March, 1894.

Mr. DUNN. In what capacity?

Mr. SEAY. As stock examiner.

Mr. DUNN. Under whose immediate supervision were you at the time?

Mr. SEAY. That of Don C. Ayer.

Mr. DUNN. He was at that time in charge of what house or abattoir?

Mr. SEAY. He was the chief in charge.

Mr. DUNN. Who was in charge of the particular house in which you were working?

Mr. SEAY. Dr. Schirmer.

Mr. DUNN. You remained there how long under the direction of Dr. Schirmer?

Mr. SEAY. Until I was discharged, on the 15th of December, 1896.

Mr. DUNN. From whom did you receive the notice of discharge?

Mr. SEAY. I received it from Mr. Ayer, or at least from his office It was handed to me.

Mr. DUNN. What kind of a notice was it? Was it written?

Mr. SEAY. Yes.

Mr. DUNN. From the Agricultural Department at Washington?

Mr. SEAY. Yes.

Mr. DUNN. Signed by whom?

Mr. SEAY. By J. Sterling Morton.

Mr. DUNN. For what reason did the notice state you were discharged?

Mr. SEAY. For no reason at all except it merely said that "You are discharged, and the discharge takes effect December 15." That is the day I received it.

Mr. DUNN. It did not give any reason at all?

Mr. SEAY. No reason at all.

Mr. DUNN. Do you know why you were discharged?

Mr. SEAY. I do not know. I could not swear why I was discharged.

Mr. DUNN. Have you ever received any information from anybody that appeared to be reliable?

Mr. SEAY. Yes, sir.

Mr. DUNN. From whom?

Mr. SEAY. I do not know that I could really say from whom.

Mr. DUNN. What took place?

Mr. SEAY. From what took place prior—about a month prior—to my discharge and after I was discharged, I figure out 2 and 2 and make 4.

Mr. DUNN. What do you know about the reason? Give us your conclusion, whatever it is, as to why you were discharged.

Mr. SEAY. For voting for Bryan.

Mr. DUNN. You say from something that took place before and after your discharge. State to the committee what you mean.

Mr. SEAY. I mean that along in November Mr. Shelden came out, and he came into the house, and Schirmer and I and somebody else were sitting there. It was at noon hour. After he had gone out Schirmer came to me and said, "They are going to give the boys a rating." Prior to that they had started a rating in the office, and I rated higher than any man except Dr. Cosford. He rated a few points higher than I did. When Schirmer told me this, I did not know anything about what it was for or anything; and after being discharged there was a rate sheet, and I was rated at 50 per cent out of 100.

Mr. DUNN. In what way do you believe that Mr. Shelden's visit to the house had anything to do with your discharge?

Mr. SEAY. I know that I was asked, or word was sent to me, along about and during the campaign—in fact, I was asked how I stood on the question.

Mr. DUNN. On what question?

Mr. SEAY. On the campaign; how I stood—whether for McKinley or Bryan or Palmer—and I openly stated that I was going to support the Chicago platform.

Mr. DUNN. Who asked you that question?

Mr. SEAY. I was asked the question by Mr. Sherlock. I think it was Sherlock. There was someone with him.

Mr. DUNN. Mr. Sherlock at that time was one of the Palmer and Buckner Democrats?

Mr. SEAY. Yes, sir.

Mr. DUNN. You spoke of word having been sent you. What did you mean when you made that statement?

Mr. SEAY. I was requested to call at the post-office.

Mr. DUNN. By whom?

Mr. SEAY. By one of the boys. I think it was Mr. Sherlock or Leddy.

Mr. DUNN. To call on whom?

Mr. SEAY. To call on Mr. Martin.

Mr. DUNN. Did you call on him?

Mr. SEAY. I never did.

Mr. DUNN. Did you take any active part in the campaign last fall?

Mr. SEAY. I did not.

Mr. DUNN. Did you at any time neglect any of your duties for politics?

Mr. SEAY. I never did. I missed but one day while I was in the service.

Mr. DUNN. Were you under the direction of anybody else than Dr. Schirmer while in the employ of the Government?

Mr. SEAY. No, sir,

Mr. DUNN. You worked all the time in the house of which he had charge?

Mr. SEAY. Yes, sir.

Mr. DUNN. You do not know that any complaint was ever made against you by anybody?

Mr. SEAY. There never was to my knowledge.

Mr. DUNN. Did you ever talk with Dr. Ayer before or after you were discharged regarding your services?

Mr. SEAY. I never did.

Mr. DUNN. No complaint was ever made to you by him?

Mr. SEAY. No, sir.

Mr. DUNN. I have forgotten the date of your discharge.

Mr. SEAY. The 15th of December, 1896.

Mr. DUNN. Do you remember now just when was it that Dr. Schirmer told you that a rating was to be made?

Mr. SEAY. It was in November, prior to the election.

Mr. DUNN. Prior to the election. Do you know now whether a rating of the different departments was made that time?

Mr. SEAY. Yes, sir.

Mr. DUNN. Do you know generally what the rating of the different employees was?

Mr. SEAY. I remember some of them.

Mr. DUNN. Mr. Shelden was here at the time the rating was made?

Mr. SEAY. Yes, sir.

Mr. DUNN. Do you know for what purpose he was here?

Mr. SEAY. No, sir; I do not.

Mr. DUNN. Was that after Dr. White and Mary Dalton, Mary Flynn, and John Zeller had been discharged from the service?

Mr. SEAY. I could not say. It was about that time. They were discharged November 15. Whether it was before or after that I can not say.

Mr. DUNN. Do you know whether or not Mr. Shelden at that time took the affidavits of anybody at South Omaha in regard to the discharges?

Mr. SEAY. Personally I do not know. I heard that he did. I do not know.

Mr. DUNN. In the form of affidavits?

Mr. SEAY. Yes, sir; I understood so.

Mr. DUNN. Do you remember what your rating was?

Mr. SEAY. I do.

Mr. DUNN. What was it?

Mr. SEAY. Fifty.

Mr. DUNN. Fifty per cent?

Mr. SEAY. Yes, sir.

Mr. DUNN. Do you remember what the rating of Mr. Sherlock at that time was?

Mr. SEAY. One hundred, I think.

Mr. DUNN. What was James Murphy's rating?

Mr. SEAY. I think his rating was 100, if I am not mistaken. I kind of laughed when they rated him at 100, because they had called Pete down once or twice for——

Mr. SHERLOCK. For political reasons.

Mr. SEAY. Yes.

Mr. DUNN. You say there never was any complaint made in regard to you?

Mr. SEAY. No, sir; I never heard any complaint. There might have been, but I never heard any.

Mr. DUNN. Do you remember when the next rating was made?

Mr. SEAY. No; I do not know anything about it.

Mr. DUNN. Do you know whether there was another rating made before you were discharged?

Mr. SEAY. No; I do not know.

Mr. DUNN. I will ask you whether or not you were acquainted with Mr. James Murphy while he was there?

Mr. SEAY. Yes, sir.

Mr. DUNN. Do you know anything about the character of his work—what he did?

Mr. SEAY. I know the character of his work.

Mr. DUNN. Do you know whether or not he was there most of the time or all the time while employed by the Government?

Mr. SEAY. I should say yes, because we frequently went on the train backward and forward going to or from South Omaha.

Mr. DUNN. So far as you know, was he there and attending to his duty?

Mr. SEAY. Yes, sir.

Mr. DUNN. Did you ever hear Dr. Schirmer or Dr. Ayer or anybody else complain of his work?

Mr. SEAY. I never did.

Mr. DUNN. Do you know of any way in which he neglected his work at any time?

Mr. SEAY. No, sir; I always understood that it was a good lot of men that they had at the Swift abattoir.

Mr. DUNN. Do you know anything about Mr. Holmes's work?

Mr. SEAY. Yes, sir.

Mr. DUNN. He worked in the same house?

Mr. SEAY. Yes, sir; in the same house I was in.

Mr. DUNN. You inspected what, cattle?

Mr. SEAY. Yes, sir.

Mr. DUNN. Mr. Holmes inspected hogs?

Mr. SEAY. He was on hogs. The floor was the same; there is merely a partition between the two killing places.

Mr. DUNN. You may state whether or not, during the time you were employed in that department, you at any time heard anybody make any complaints about Mr. Holmes's work.

Mr. SEAY. I never heard any complaint. I heard from Dr. Schirmer that Mr. Holmes was a good man. He oftentimes repeated that.

Mr. DUNN. Do you know any instance where he neglected his duty?

Mr. SEAY. I do not know a time when he neglected his duty.

Mr. DUNN. Did you attend the Democratic central committee meeting on the 11th day of April, 1896?

Mr. SEAY. No, sir.

Mr. DUNN. Do you know anything about the men being let off for that purpose?

Mr. SEAY. No, sir.

Mr. DUNN. Did anybody else, at any time other than the time you speak of, when Mr. Martin sent for you, ask you to do any political work while you were connected with the department?

Mr. SEAY. Yes, sir; in the fall of 1894, I think it was, I was called out.

Mr. DUNN. What do you mean by being "called out?"

Mr. SEAY. On election day.

Mr. DUNN. Who excused you from the department?

Mr. SEAY. I was excused.

Mr. DUNN. By whom?

Mr. SEAY. In the office, by Charles Conoyer, the clerk. I think it was in 1895.

Mr. DUNN. It was in 1895, during the Citizens movement—in that campaign?

Mr. SEAY. Yes, sir.

Mr. DUNN. It was the campaign in which there was what was called the Citizens ticket?

Mr. SEAY. Yes, sir; because I opposed that ticket on the start and never went near it; but on election day they told me to go out.

Mr. DUNN. Charles Conoyer was occupying what position then?

Mr. SEAY. That of clerk, the same as he occupies now.

Mr. DUNN. In what department?

Mr. SEAY. In the Bureau of Animal Industry.

Mr. DUNN. Under whose personal direction was his work performed?

Mr. SEAY. That of Don C. Ayer.

Mr. DUNN. He was in the same office with Mr. Ayer?

Mr. SEAY. Yes, sir.

Mr. DUNN. A sort of confidential clerk to Don C. Ayer?

Mr. SEAY. Yes, sir.

Mr. DUNN. And he has been for some time; ever since he has been there?

Mr. SEAY. He has been.

Mr. DUNN. That appointment was secured for him, at least so general reputation says, by Euclid Martin, after Martin had secured the position as postmaster, for which he had been backing Mr. Conoyer.

Mr. SEAY. Yes, sir; they removed George Karl and made room for Conoyer.

Mr. DUNN. Mr. Martin had been the supporter of Mr. Conoyer for the position of postmaster, which he himself now holds?

Mr. SEAY. Yes, sir.

Mr. DUNN. Mr. Conoyer and Mr. Martin have been close political friends and allies since that time?

Mr. SEAY. Yes, sir.

Mr. DUNN. Do you know Mr. Zeller?

Mr. SEAY. Yes, sir.

Mr. DUNN. What was Mr. Zeller's standing among the employees and the people generally with reference to the performance of his duties?

Mr. SEAY. He was an A No. 1 man. I do not believe there was a man in the department his equal.

Mr. DUNN. Did you ever hear any complaints of his work?

Mr. SEAY. No, sir; I never did.

Mr. DUNN. Did you ever hear the person in charge of the house, or other persons, compliment Mr. Zeller's work—speak of it in high terms?

Mr. SEAY. Yes, sir; I very frequently heard them, especially Dr. Schirmer.

Mr. DUNN. He was under Dr. Schirmer's direction part of the time?

Mr. SEAY. He was under him nearly all of the time. Hardly a day went by that he did not have something to say. Although he did not personally and politically like Mr. Zeller, time and time again he has told me confidentially that Mr. Zeller was one of the best men he ever saw about the house to attend to business. It cut a great figure with Mr. Schirmer whether or not he had good men to do his work.

Mr. DUNN. With reference to Dr. Don C. Ayer, the chief of the bureau, did you ever see him during office hours perform other duties than those of the department?

Mr. SEAY. Yes, sir; I saw him once in particular.

Mr. DUNN. Where?

Mr. SEAY. Right at the Hammond stables.

Mr. DUNN. What was he doing?

Mr. SEAY. He was called on to attend one of the fine horses which in the forenoon had been gored.

Mr. DUNN. What time was he there?

Mr. SEAY. It was 11 o'clock.

Mr. DUNN. Do you know how much time he spent there?

Mr. SEAY. No; I think he must have been there fully a half hour. I should like to explain why I remember that.

Mr. DUNN. All right.

Mr. SEAY. There are certain reasons why I remember it.

Mr. DUNN. State them.

Mr. SEAY. At that time Don C. Ayer and Schirmer were at loggerheads, and they did not treat each other respectfully. They did not speak unless they were forced to.

Mr. DUNN. Do you know the cause of the difficulty?

Mr. SEAY. No; that occurred prior to my going there. Schirmer was always uneasy whenever Ayer came in sight of the plant or around it. He was never on the floor until Ayer would come around the building or he would see him. He was always on the lookout and watch for him, and the minute Ayer was around the plant you would see Schirmer on the floor. I never saw him unless that occurred.

The CHAIRMAN. Who was Schirmer?

Mr. SEAY. Dr. Schirmer, the doctor in charge of the abattoir. This day Schirmer came rushing in on the floor and he said "By golly"—he talked kind of funny—"I wonder what Ayer is doing around here." He said, "There he comes up the walk," and he took me to the window. Ayer was coming toward uptown; the stable was toward uptown from the killing floor. The killing floor looked right out north. We stood and looked at him a minute and he disappeared behind the building. He did not go past where we could see him as he ought to have done. He disappeared. He did not come out in sight, and Schirmer was very uneasy. I said, "To satisfy you I will go and see where the man is." I did not know the horse had been gored. So I walked down stairs and he said he would stay on the floor. I walked up to the barn and Mr. Ayer was in the barn, and there one of the men told me the horse had got gored. He had the horse backed out from the stall, and Ayer was examining him under the belly where he was gored.

Mr. DUNN. What time was that—since the department has been in the classified service?

Mr. SEAY. Yes, sir.

Mr. DUNN. What time of the year was it?

Mr. SEAY. It was in the summer of 1896.

TESTIMONY OF W. E. MULLINS.

W. E. MULLINS, being duly sworn, testified as follows:

Mr. DUNN. What is your business?

Mr. MULLINS. I am a butcher.

Mr. DUNN. In what department?

Mr. MULLINS. In the packing house; canning department.

Mr. DUNN. What position do you there occupy?

Mr. MULLINS. I have charge of the butchering.

Mr. DUNN. Do any of the employees of the Government in the Department of Animal Industry at South Omaha work in the same department?

Mr. MULLINS. Several of them.

Mr. DUNN. Do you know any of the persons who were working there during the years 1895 and 1896?

Mr. MULLINS. A few of them.

Mr. DUNN. Just state who they were, as you now remember.

Mr. MULLINS. Dr. Blackwell, George Guy, Mr. Murphy.

Mr. DUNN. Who is James Murphy; this gentleman [indicating]?

Mr. MULLINS. Yes, sir. James Murphy, Jim Kunes, Mr. Sherlock; I think there are two or three others whom I do not now remember.

Mr. DUNN. Were you in a position during the time that the gentlemen referred to worked there to observe to any extent how they performed the duties of their offices; whether or not they neglected to perform their work?

Mr. MULLINS. Yes, sir; I was.

Mr. DUNN. I will ask you with reference to Mr. James Murphy. What was your observation regarding him so far as he performed the duties of his position?

Mr. MULLINS. I counted him an expert at the business.

Mr. DUNN. Did he seem to understand the business and to go ahead and attend to it properly?

Mr. MULLINS. Yes, sir.

Mr. DUNN. Do you know any time during his employment when he in any way neglected or failed to perform the duties of his position?

Mr. MULLINS. I do not recollect any.

Mr. DUNN. The work there requires a man of activity and some judgment, does it not?

Mr. MULLINS. Yes, sir.

Mr. DUNN. And during the entire time he worked in the department where you are he was on hand whenever there was any work to do?

Mr. MULLINS. Yes, sir; I can recollect no case when he was away.

Mr. DUNN. You would say from your observation that he was a first-class man and that he performed the duties properly throughout?

Mr. MULLINS. Yes, sir; he was counted an expert.

Mr. DUNN. Did you ever talk with or hear any statement made by Dr. Schirmer or Dr. Blackwell or any other person there in charge regarding the work of Mr. Murphy?

Mr. MULLINS. No; I never did.

Mr. DUNN. Did you ever hear any complaints made in regard to his work?

Mr. MULLINS. No, sir; I never did.

Mr. DUNN. Is that work entirely disconnected from the work of the employees in the packing house; that is, if things are not done there but are neglected, would it be any part of the business of yourself or anybody connected with the packing house to make any complaint, say, to Dr. Blackwell?

Mr. MULLINS. Yes, sir; it is my duty to see it is done right.

Mr. DUNN. You have never had any occasion to make any complaint in regard to Mr. Murphy?

Mr. MULLINS. No, sir.

Mr. DUNN. How about Mr. Guy?

Mr. MULLINS. He was not in my department; he was in the hog department.

TESTIMONY OF ABSALOM WAGONER.

ABSALOM WAGONER, being duly sworn, testified as follows:

Mr. DUNN. What is your business?

Mr. WAGONER. I am in the live stock commission business.

Mr. DUNN. How long have you been engaged in that business in South Omaha?

Mr. WAGONER. About eleven years.

Mr. DUNN. Are you acquainted with Mr. Beal?

Mr. WAGONER. Yes, sir.

Mr. DUNN. Are you acquainted with the other men at South Omaha engaged in the Government service in the inspection of stock?

Mr. WAGONER. Yes, sir; I am acquainted with several of them.

Mr. DUNN. Do you belong to the South Omaha Live Stock Commission Exchange, or whatever the name of the organization is?

Mr. WAGONER. Yes, sir; the exchange.

Mr. DUNN. Do you know Mr. Don C. Ayer, the doctor in charge of the Bureau of Animal Industry at South Omaha?

Mr. WAGONER. Yes, sir.

Mr. DUNN. Did you have an opportunity to judge of the efficiency of Mr. Beal and other employees of the Government in their different departments during the last two or three years?

Mr. WAGONER. I know Mr. Beal personally and his service and work there in that capacity.

Mr. DUNN. What do you say as to his competency?

Mr. WAGONER. I considered him one of the best and most competent men in the service.

Mr. DUNN. Were you in a position to know from day to day whether or not he performed his duties properly, or whether he neglected them?

Mr. WAGONER. To the best of my knowledge, he was prompt and on the ground all the time, and was always attending to his duties.

Mr. DUNN. What, if anything, do you know about Mr. Don C. Ayer, the doctor in charge, as to his mode and manner of running the department, and his treatment of the employees and of the public?

Mr. WAGONER. Personally, I do not know anything. I only know what I have heard.

Mr. DUNN. State whether or not the Live Stock Exchange at South Omaha interested themselves to any extent in the matter of the inspection of stock by the Government.

Mr. WAGONER. Yes, sir; they took that matter up, and had it in hand, I suppose, eight or ten months or more; probably a year.

Mr. DUNN. Did they finally take any definite action by way of expressing the result of their investigation?

Mr. WAGONER. Yes, sir; I think they did.

Mr. DUNN. In what form?

Mr. WAGONER. In the way of a set of resolutions which were passed by the exchange.

Mr. DUNN. Can you state in a general way what those resolutions were?

Mr. WAGONER. I was present when the resolutions were read. I was not on the committee on resolutions. I do not know that I can particularly remember what they were, any more than that they condemned the course of Don C. Ayer.

Mr. DUNN. For what?

Mr. WAGONER. For the course he had pursued in regard to certain men; that he had misrated men there who were thought by the Exchange to be very competent and good men for the positions. He had rated them at 50 per cent, while men who were incompetent had been given as high as 100.

Mr. DUNN. Can you name any of the men to whom you refer?

Mr. WAGONER. Mr. Henry Beal was one who, as I personally know, was taken up by the exchange. His case was particularly taken up and noticed in regard to that matter, as he had been very prominent in the business from the day of the organization of the hog inspection, etc. The commission men all knew him and had known him for several years before. He was a butcher. We knew him and we had all sold him lots of cattle and hogs for years before, and we all knew him and believed him to be perfectly competent and a good man, and we thought it very strange when his rating was 50 per cent and others in our judgment not so competent were rated at 100. I will speak of another case, that of George Guy.

Mr. DUNN. George Guy was rated at 50?

Mr. WAGONER. Yes, sir; that is my understanding.

Mr. DUNN. You have known George Guy for some time?

Mr. WAGONER. Yes, sir.

Mr. DUNN. What do you know as to his competency to perform the duties of his position?

Mr. WAGONER. I never heard a word said against him by anybody who was in charge of the business or anyone who worked by the side of him or in the same house where he worked.

Mr. DUNN. And the commission men. All of the commission men, or a good many of them, in dealing in stock come in contact more or less with the inspectors there?

Mr. WAGONER. Yes, sir.

Mr. DUNN. You have an opportunity to judge fairly well?

Mr. WAGONER. Yes, sir; it is a matter we are interested in and with which the live-stock commission men of the country have a great deal to do with, from the organization of the service in the first place almost, you might say.

Mr. DUNN. From your observation you would say that George Guy was a competent and careful man?

Mr. WAGONER. Yes, sir; I would.

Mr. DUNN. How ought he to have been rated?

Mr. WAGONER. As high as any average man in the line, I should say.

Mr. DUNN. The only way to determine the value of a stock inspector

in the Government service is by his competency to judge of the different grades of cattle or hogs, whatever he may be inspecting, to determine whether they are diseased or unfit for use.

Mr. WAGONER. Yes, sir.

Mr. DUNN. A man who has had experience in buying cattle or hogs in the butcher business would be more competent than a man who had not had such experience.

Mr. WAGONER. That is our judgment.

Mr. DUNN. A man who had been a farmer for a great many years might be a great deal more competent than a man who had been raised in the city.

Mr. WAGONER. Yes, sir; I think so.

Mr. DUNN. It was on that basis that the live-stock merchants based their opinion, and upon that basis they acted.

Mr. WAGONER. Yes, sir.

Mr. DUNN. Do you know whether or not Dr. Don C. Ayer has followed any vocation during the time he has been chief of the Bureau of Animal Industry at South Omaha?

Mr. WAGONER. Not to my personal knowledge. I have heard of cases where he did, but I do not know it personally.

TESTIMONY OF JOSEPH BUTLER.

JOSEPH BUTLER, being duly sworn, testified as follows:

Mr. DUNN. You were for some time in the employ of the Bureau of Animal Industry at South Omaha, Nebr.?

Mr. BUTLER. Yes, sir.

Mr. DUNN. What time did you begin work there?

Mr. BUTLER. On the 1st of June, 1893.

Mr. DUNN. When did you quit?

Mr. BUTLER. The 4th of last September.

Mr. DUNN. Do you remember an occurrence, namely, the meeting of the county central committee of the Democratic party of Douglas County, on the 11th day of April, 1896, in the city of Omaha?

Mr. BUTLER. I do not know whether that is the date. I remember the meeting where we selected delegates to go to the State convention.

Mr. DUNN. You were at that time in the employ of the bureau as a tagger?

Mr. BUTLER. I was.

Mr. DUNN. You had prior to that time been associated politically to some extent with Mr. Martin and Mr. Sheean and Mr. McHugh in what was termed the gold bug or Cleveland wing of the Democratic party in this county?

Mr. BUTLER. I had.

Mr. DUNN. You were looked upon as an available man to help the cause in any contest that might come up?

Mr. BUTLER. I could not say that.

Mr. DUNN. You were called upon to do work at different times?

Mr. BUTLER. I was.

Mr. DUNN. On the 11th day of April, 1896, did you attend the county central committee meeting?

Mr. BUTLER. I attended the meeting, whatever was the date.

Mr. DUNN. At whose request did you attend it.

Mr. BUTLER. Mr. Sheean's.

Mr. DUNN. Did Mr. Sheean speak to you personally about it?

Mr. BUTLER. No; he wrote me a letter.

Mr. DUNN. Were you a central committeeman at that time?

Mr. BUTLER. I was.

Mr. DUNN. What time that day did you quit the department at South Omaha?

Mr. BUTLER. I should judge probably about 1 o'clock; perhaps a little earlier or a little later.

Mr. DUNN. Was your work all performed at that time?

Mr. BUTLER. It was not.

Mr. DUNN. Whose permission did you receive to quit work?

Mr. BUTLER. Dr. Schirmer's. Mr. Zeller at that time was working with me, and we were figuring on getting off. Mr. Zeller went out at dinner time to get shaved, and when he came back he told me that he had met Mr. Ayer and that he and I were to be off for the meeting that afternoon. On the strength of that we went up there.

Mr. DUNN. Mr. Zeller told you that Dr. Ayer had told him——

Mr. BUTLER. That we should be off for the meeting.

Mr. DUNN. You went up?

Mr. BUTLER. We made that report to Dr. Schirmer and he said all right; we were excused. We went to the office and met Dr. Ayer and Mr. Conoyer, I believe.

Mr. DUNN. What office?

Mr. BUTLER. The head office, over the Packers' National Bank.

Mr. DUNN. Did you in any way say to Dr. Ayer or was the information conveyed to him at that time that you had quit work and were on your way to Omaha?

Mr. BUTLER. I should judge he understood it, because he asked us how much work we had to perform, and I said I thought they would be done killing at 3 o'clock, and he said he had sent Mr. Murphy and Mr. Kunes from the Swift house to perform what work we had not finished.

Mr. DUNN. You were working in what house?

Mr. BUTLER. In the Hammond house, under Dr. Schirmer.

Mr. DUNN. Do you know whether somebody was sent over to that house to perform your work?

Mr. BUTLER. I think, if I remember correctly, that Mr. Murphy told me the next day or the following day—I think this was Saturday—on Monday he told me he sent him over, but they got through killing quicker than they expected. I do not know whether he performed any duty or not, but he went over there.

Mr. DUNN. Do you know who was sent over to perform the work of Mr. Sherlock and Mr. Zeller?

Mr. BUTLER. I think Mr. Murphy and Mr. Kunes were sent to our house. Mr. Sherlock was working with Mr. Murphy at Swift's house; I think he was, at least.

Mr. DUNN. During the campaign were you at any time by any person requested to do any political work?

Mr. BUTLER. I was.

Mr. DUNN. By whom?

Mr. BUTLER. By Mr. Martin.

Mr. DUNN. How and from whom did you receive the request?

Mr. BUTLER. Through a letter from him.

Mr. DUNN. In whose care was the letter directed?

Mr. BUTLER. It was sent to me at the Bureau of Animal Industry, South Omaha.

Mr. DUNN. And naturally delivered to the office of Dr. Don C. Ayer?

Mr. BUTLER. Yes, sir.

Mr. DUNN. You received it there?

Mr. BUTLER. Yes, sir.

Mr. DUNN. You went to Mr. Martin's office?

Mr. BUTLER. No; I met him on the street, on my way to the office.

Mr. DUNN. What, if anything, did he say regarding the wishes of himself or of the Department with reference to the emyloyees of the Government at South Omaha?

Mr. BUTLER. He gave us to understand that we held the jobs under their sanction and that they expected we would vote for Palmer and Buckner or for McKinley.

Mr. DUNN. Did he state both of those propositions, Palmer and Buckner or McKinley?

Mr. BUTLER. I told him that I did not want to waste my vote; I told him that I would not vote for Palmer and Buckner under any circumstances. I said: "You know how I stand with respect to Mr. Bryan." I suppose he thought I was going to vote for McKinley.

Mr. DUNN. He did not ask you to vote for anybody if you could not vote for Palmer and Buckner?

Mr. BUTLER. No, sir.

Mr. DUNN. Did he at any time say to you that the bridge that carried you over—the Administration—would still last six months and that it would stand by its friends?

Mr. BUTLER. No, sir; he did not. That was the only conversation I had with him.

Mr. DUNN. After Mr. Sherlock and Mr. Murphy were suspended this year were you called over to the Swift house to help to do the work they had been doing.

Mr. BUTLER. I was.

Mr. DUNN. How many men were employed there to your knowledge doing the work which Mr. Murphy and Mr. Sherlock had formerly done?

Mr. BUTLER. There were five when I was over there at 3 o'clock.

Mr. DUNN. You made six?

Mr. BUTLER. Two of us went.

Mr. DUNN. There were five there already?

Mr. BUTLER. Yes, sir.

Mr. DUNN. Then there were seven of you?

Mr. BUTLER. Yes, sir.

Mr. DUNN. How long did it take you to finish the work?

Mr. BUTLER. I think they figured up that they had 2,600 tags to put on, and we put on 800. We worked from 3 to 5. We put on 800 out of the 2,600, and they had been working all day.

Mr. DUNN. The men who were there at work are still in the employment of the Government?

Mr. BUTLER. I think so.

Mr. DUNN. Do you know whether or not there had been an extra amount of killing that day?

Mr. BUTLER. There had not been.

Mr. DUNN. The amount of killing was about the same as it had been when Mr. Sherlock and Mr. Murphy were there?

Mr. BUTLER. I should judge so. I know that the two of us put on more than that before we left the Cudahy house at 3 o'clock—more than that, altogether.

Mr. DUNN. Those five men had been there all day?

Mr. BUTLER. Since 8 o'clock in the morning, and we had to go there and leave part of our work and finish it up next morning.

Mr. DUNN. Were the men there apparently capable of working and in a working condition?

Mr. BUTLER. They seemed to be working when we were there.

Mr. DUNN. Did they seem to be slow men or incompetent men, or what was the matter?

Mr. BUTLER. They were all pretty old.

Mr. DUNN. Were they evidently drawing pensions?

Mr. BUTLER. I think some of them were.

Mr. DUNN. Now, in 1895, during the campaign, were you requested by anybody to do political work?

Mr. BUTLER. 1895?

Mr. DUNN. That was the year of the Citizens' movement, I think.

Mr. BUTLER. I was.

Mr. DUNN. By whom were you requested to leave the department and come out and do political work that year?

Mr. BUTLER. By Mr. McHugh and Mr. Sheean through letters to Don C. Ayer.

Mr. DUNN. Letters addressed to Don C. Ayer?

Mr. BUTLER. Yes, sir.

Mr. DUNN. That is, addressed to you in his care, or addressed directly to him?

Mr. BUTLER. They were directed to him to let me off. At that time I was not on speaking terms with Ayer. Whenever they wanted me to get off they always sent a letter to him.

Mr. DUNN. Did you see either of those letters?

Mr. BUTLER. I saw them. Mr. Leddy got them. We were working together. They would send the letters to Mr. Leddy and he would deliver them to Mr. Ayer, and the two of us were excused. We were excused a couple of days on that occasion—two or three days.

Mr. DUNN. The letter would be addressed to whom?

Mr. BUTLER. To Mr. Ayer; a personal letter.

Mr. DUNN. Who, directly, would inform you that you could get off and do political work?

Mr. BUTLER. Mr. Leddy, but Ayer would come over there, although I was not on speaking terms with him at the time. He would send someone over to take our places, and we would leave the house together.

Mr. DUNN. How often did that occur during the campaign?

Mr. BUTLER. We were off two days, I think.

Mr. DUNN. Somebody else was doing your work?

Mr. BUTLER. Yes, sir.

Mr. DUNN. During that time did your pay in the department at South Omaha stop?

Mr. BUTLER. Yes, sir.

Mr. DUNN. Those days were deducted?

Mr. BUTLER. Yes, sir; we always had to make a report.

Mr. DUNN. You were simply paid for the number of hours you put in.

At 8 o'clock and 20 minutes p. m., the subcommittee adjourned until to-morrow, Saturday, October 23, 1897, at 9.30 o'clock a. m.

OMAHA, NEBR., *October 23, 1897.*

The subcommittee met at 9.30 o'clock a. m., pursuant to adjournment.

TESTIMONY OF JAMES A. VAIL.

JAMES A. VAIL, being duly sworn, testified as follows:

Mr. LAMBERT. Where do you reside?

Mr. VAIL. In South Omaha.

Mr. LAMBERT. What is your business at South Omaha?

Mr. VAIL. I am watchman.

Mr. LAMBERT. Where?

Mr. VAIL. At the Omaha Packing Company's house now.

Mr. LAMBERT. What has been your business heretofore?

Mr. VAIL. I was watchman at the Hammond Packing Company's house.

Mr. LAMBERT. How long were you employed there as watchman?

Mr. VAIL. I think in that capacity about five years.

Mr. LAMBERT. When did your relation with the Hammond Packing Company terminate?

Mr. VAIL. On the 4th day of this month.

Mr. LAMBERT. Of the present month?

Mr. VAIL. Yes, sir.

Mr. LAMBERT. You may state whether, while at the Hammond Packing Company's house, among other duties it was your duty to attend to the barn.

Mr. VAIL. Yes, sir; I had charge of it during the day.

Mr. LAMBERT. You may state whether Don C. Ayer made any professional calls to the barn.

Mr. VAIL. Yes, sir; he did..

Mr. LAMBERT. Detail to the committee just what calls he made—the number, and how long he remained.

Mr. VAIL. The company had a horse there that was sick, and Dr. Ayer was treating him. He would come to me at different hours of the day when most convenient to me. He would say, "Jim, can you come and go with me down to the barn now?" The inspectors and taggers and so on had a place where they kept their desks and books—a kind of headquarters—their seals and tags, and all that kind of thing. My headquarters was in the same room with them. He would catch me in there. I was all over the plant looking after the interests of the company. When he would catch me in there frequently he would say to me, "Jim, can you come down to the barn with me?" If it was convenient I would say, "Yes;" if not, I would say, "Wait a half hour." We would go down and look at the horse. He had a rubber tube with a funnel at the end. He would give me a bottle of medicine. I would hold the funnel up for him to pour the medicine———

The CHAIRMAN. That is not material.

Mr. LAMBERT. How long would the Doctor be there at any one time treating the horse?

Mr. VAIL. It would take him probably 15 or 20 minutes at a time.

Mr. LAMBERT. How often would you say he was treating that particular horse?

Mr. VAIL. We met together there about every other day.

Mr. LAMBERT. For what period of time?

Mr. VAIL. I suppose for two or three weeks we were fooling with him.

Mr. LAMBERT. Two or three weeks?

Mr. VAIL Yes, sir; I think so.

Mr. LAMBERT. You may state to the committee whether that was during the working hours of the department?

Mr. VAIL. It was after 7 o'clock and between that and 12; at different hours—sometimes 8 or 9 o'clock, sometimes 10 o'clock, sometimes just before noon—whenever it would be most convenient to me. He could not do this without help.

Mr. LAMBERT. You may state whether or not you had any conversation with Dr. Ayer respecting the emoluments of his practice, etc.?

Mr. VAIL. We frequently talked over his business and practice. He told me at one time that his practice was worth more to him than his salary as inspector.

Mr. LAMBERT. Do you recall whether he attended any stock at any other time or treated any other animal for the Hammond Company?

Mr. VAIL. Not that I know of.

Mr. HOLMES. Were you acquainted with one William Holmes?

Mr. VAIL. Yes, sir.

Mr. HOLMES. A stock examiner on the hog-killing floor at the Hammond house. Were you in the habit of meeting him frequently?

Mr. VAIL. Nearly every day.

Mr. HOLMES. State if you know anything about his regularity in being there and his competency as an inspector?

Mr. VAIL. He was there always on time. I heard no complaint against him of any neglect of duty or anything of that kind.

TESTIMONY OF WILLIAM HOLMES.

WILLIAM HOLMES, being duly sworn, testified as follows:

Mr. DUNN. Mr. Holmes, were you in the employment of the Government at South Omaha, in the Department of Animal Industry?

Mr. HOLMES. I was.

Mr. DUNN. When did you enter the service?

Mr. HOLMES. When I was appointed the appointment was to take effect on the 6th day of November, 1893.

Mr. DUNN. How long did you remain in the service?

Mr. HOLMES. I remained in the service constantly from that time until November 15, 1896.

Mr. DUNN. In what department of the Government?

Mr. HOLMES. I was originally appointed as assistant inspector and we were changed—that is, the name was changed to what is called stock inspector. Neither the salary nor the duties were changed.

Mr. DUNN. What were your duties there?

Mr. HOLMES. My duties from the time I entered the service until the time I was discharged were those of a post-mortem inspector on the hog-killing floor of abattoir 14, known as the Hammond Packing Company. Further than that, about three months prior to my removal, I was both ante-mortem and post-mortem inspector.

Mr. DUNN. Just explain how and to what extent you were obliged to perform the duties of both of those places, and to what extent, if any, the performance of the duty in one department interfered with the performance of the duty in the other.

Mr. HOLMES. My duty as post-mortem inspector was to make the post-mortem inspection of all hogs killed at the abattoir, and when I

was ordered also to make the ante-mortem inspection, which theretofore had been made by the inspector in charge of the abattoir, I had to make an ante-mortem inspection of all hogs killed at the abattoir. In the morning, when arriving at the Hammond Packing Company's house, I would go to their pens and inspect the hogs contained in the pens to be killed that day. The killing would probably commence any time from 9 or half past 9 in the morning until sometimes as late as 3 o'clock in the afternoon. Our killing gang at the Hammond Packing Company was also the cutting gang. The hogs that were killed two days before would be cut in the morning, and then after they were cut the men would start to kill. My duties on the killing floor would commence after the cutting was done. There were times when I had to make ante-mortem inspections at the time the killing was going on.

Mr. DUNN. How often would that occur?

Mr. HOLMES. When hogs were coming in in a healthy condition, at times when cholera and such things did not prevail, it would happen two or three or four times a week. Where hogs came into the yards that were supposed to be diseased, the inspector in charge made ante-mortem inspections in the stock yards. If he had doubt as to the healthfulness of any animals he sent them to the abattoir, subject to inspection; that is, subject to ante-mortem and post-mortem inspection at the house.

Mr. DUNN. Is it a fact that some employee of the Government inspected those same hogs or the stock in question before they were sent to the pens of the different packing companies?

Mr. HOLMES. Yes, they made an inspection.

Mr. DUNN. A general inspection?

Mr. HOLMES. It was a general inspection, but where there was doubt they sent them subject to ante-mortem and post-mortem inspection at the house.

Mr. DUNN. In that case, what do you say would be the result of your being called upon when such hogs were sent to the pens? Would you be required to leave your work in conducting the post-mortem inspection and inspect those hogs right away?

Mr. HOLMES. Yes; pretty nearly always. It was my duty, at the time I was notified of the hogs being sent to the pens, to go down to the pens and see that the hogs would not be mixed with the other hogs which were there at the time; that is, if 250 hogs came subject to inspection, and they were at that time killing, say, 1,000 hogs, it was the duty of the inspector to see that those hogs did not become mixed with the other hogs, for the reason that the packers pay for just such hogs as are found to be healthy. The other hogs that I would condemn out of that subject lot of hogs would be paid for only at tankage rate.

Mr. DUNN. Was there any written rule of the department designating that as your duty?

Mr. HOLMES. Yes.

Mr. DUNN. Can you state to the committee what rule it is and where it is to be found?

Mr. HOLMES. In the rules and regulations governing the operations of the Bureau of Animal Industry for 1895.

Mr. DUNN. Published by whom?

Mr. HOLMES. Published by the department, the Bureau of Animal Industry.

Mr. DUNN. Dr. D. E. Salmon, chief of the Bureau of Animal Industry?

Mr. HOLMES. Yes, sir.

Mr. DUNN. To which rule do you refer?

Mr. HOLMES. I refer to a portion of rule 6, on page 7.

Mr. DUNN. We desire to offer in evidence part of rule 6, as follows: "The inspector in charge of said establishment shall carefully inspect all animals in the pens of said establishment about to be slaughtered, and no animal shall be allowed to pass to the slaughtering room until it has been so inspected."

You may state whether or not, while you were making the ante-mortem inspection of which you speak, any other person would conduct the post-mortem examination during the time the killing was going on.

Mr. HOLMES. During the time I was making ante-mortem inspections there would be no person conducting the post-mortem inspection. I was instructed by Don C. Ayer at various times that it was not absolutely necessary for me to remain in the place where I usually remained—that is, close to the gutters' bench; that I could look at the animals as they were hanging on the rails after the intestines, etc., were removed; that I could there make the post-mortem examination afterwards.

Mr. DUNN. You say you received those instructions direct from Dr. Ayer, the chief of the Bureau of Animal Industry at South Omaha?

Mr. HOLMES. I received those instructions from Don C. Ayer, one time in particular, when he told me to go to Omaha to secure a position for a relative of his. I was gone for several hours, and made the post-mortem inspection afterwards.

Mr. DUNN. Make that statement a little more specific.

Mr. HOLMES. I think I left that morning about 10 o'clock. He asked me to go to the new post-office building that was being constructed, as I was acquainted with Mr. Drexel, the man doing the stonework. He said he had a relative who was a stonecutter for whom he wished to get a position.

Mr. DUNN. He sent you there?

Mr. HOLMES. Yes, sir.

Mr. DUNN. How long were you gone?

Mr. HOLMES. I think I was gone about two hours or two hours and a half.

Mr. DUNN. Was it at that time that he called your attention to the fact that it was not necessary for you to remain near the gutters' bench while the entrails of the hogs were being taken out?

Mr. HOLMES. Yes, sir.

Mr. DUNN. That you could examine them while hanging on the rail afterwards?

Mr. HOLMES. Yes, sir.

Mr. DUNN. The only difference between the hogs as hanging on the rail and at the time they were gutted, or at the time when they passed where he testified that you ought to have stood, was that the intestines were taken out?

Mr. HOLMES. They were removed.

Mr. DUNN. And the hogs were run on the rail into some other department?

Mr. HOLMES. They are left on the rail. In the fall of the year, and especially in winter, they are left seven or eight hours before being removed to the cooling room; in summer time probably three or four or five hours before they are put into what is known as the chill room, the cooler.

Mr. DUNN. Do you know whether anybody was placed upon that floor to perform the duties of post-mortem inspection during the time of your absence seeking to obtain a position for Dr. Ayer's relative?

Mr. HOLMES. There was not.

Mr. DUNN. Do you know whether any killing was going on at the time?

Mr. HOLMES. Yes, sir.

Mr. DUNN. Was there or was there not?

Mr. HOLMES. When I got back they had killed probably four or five hundred hogs that I looked after and as to which I made the examination afterwards.

Mr. DUNN. You performed the duties of that position after returning from Omaha?

Mr. HOLMES. Yes, sir.

Mr. DUNN. Did you hear the testimony yesterday in which Dr. Ayer stated that he found you at different times absent from your post of duty in the department on that floor, around somewhere else where you could not properly perform the duties of your office?

Mr. HOLMES. Yes, sir; I did.

Mr. DUNN. State whether or not it is true that you at any time while in the employ of the department neglected your duties in the way he described or in any other manner?

Mr. HOLMES. I never neglected any duties that I had to perform from the time I entered the service until I was removed.

Mr. DUNN. Did anybody ever make any complaint to you or that you know of regarding your work?

Mr. HOLMES. No; none whatever. I will state further in regard to Mr. Ayer not finding me on the floor, that I know of several occasions where he came to me, or came to the floor, as he said afterwards, for the purpose of finding me and passed within 10 to 25 feet of me and would not see me, and he would go back and inquire down in the office. I would hear that he was looking for me. I would go down and tell him I saw him and find out what he wanted.

Mr. DUNN. What do you know as to his inability to see during those times?

Mr. HOLMES. I think it is bad.

Mr. DUNN. What do you mean? Do you mean to say that he claimed not to have seen you, when in fact he saw you?

Mr. HOLMES. No; I think he really did not see me. I knew him to be looking for parties there, and to pass within 20 or 30 feet and come to me and inquire where they were.

Mr. DUNN. What is the matter? Is his eyesight bad, or does he generally keep his eyes shut, as he did on the witness-stand yesterday?

Mr. HOLMES. I think his eyesight is bad.

Mr. DUNN. Did you hear his testimony regarding your being absent from the building and not getting there at the proper time on numerous days?

Mr. HOLMES. Yes, sir.

Mr. DUNN. State whether or not you failed to report for duty within time properly to perform the duties of the position?

Mr. HOLMES. I never failed to be there on time to perform the duties I had to perform on the floor or in the pens.

Mr. DUNN. What is the fact as to its being necessary for the employees of the Department of Animal Industry to report at the different abattoirs at some specific time each day?

Mr. HOLMES. The men who do the post-mortem and ante-mortem work are supposed to be there when they start to kill, so that they can make the ante-mortem inspection before they start to kill, if it is possible for them to do it. If they arrive there in the morning, it is not possible for them to make their ante-mortem inspection on the hogs they would buy later in the day; for instance, during the time of killing. It is possible for them to make the inspection of all hogs in the pens at that time.

Mr. DUNN. Under whose immediate supervision was your work done—I mean from 1895, the time the department was placed under the classified service?

Mr. HOLMES. I will state that I was under the immediate supervision of Dr. Schrimer. I wish to make an explanation as to that point.

Mr. DUNN. Proceed.

Mr. HOLMES. In 1894, I guess it was in the fall of the year, J. Sterling Morton was in the city of South Omaha, looking, I suppose, after the working of the department there, and he issued orders to the inspector in charge of each house, giving the inspector in charge of each control over the two stock examiners. That is, the stock examiner on the beef floor and the stock examiner on the hog floor. That order was shown to me by Dr. Schirmer.

Mr. DUNN. Was that order in writing, or a verbal order?

Mr. HOLMES. It was a written order. That is all I knew. I supposed I was still immediately under his charge at the time I was removed.

Mr. DUNN. Was that before this book of rules you mention was published by the Department, governing the classified service there?

Mr. HOLMES. It was after that. That book of rules speaks of the inspector in charge of the abattoir; it does not speak of the chief inspector.

Mr. DUNN. Which is it; was the book published after the order was given, or was the order given after the book was published?

Mr. HOLMES. The order was given prior to the publication of the book.

Mr. DUNN. So far as you were informed, and so far as your knowledge went, you did not know that the orders of the Secretary of Agriculture had been changed so far as the inspection of your department was concerned?

Mr. HOLMES. No; I have never seen any orders that superseded the orders I have heretofore mentioned.

Mr. DUNN. You may state whether Dr. Schirmer ever made any complaint of the manner and character of your work or the time at which you reported for work?

Mr. HOLMES. No, sir. I will say further in regard to reporting, that when Dr. Ayer had charge of that house he told us that all the time we had to put in was during killing time. We were supposed to be there in the day, to get there when they started to kill, and to remain until killing was over. I never knew that we had to report earlier than that until about a month prior to the election.

I live, I think it is, about a mile and a half from the slaughterhouse. I used to go home to dinner quite frequently if there was no killing. If they did not start to kill until 1 or 2 or 3 o'clock, I would go down in the morning and make the ante-mortem inspection and then go to dinner and remain probably an hour or an hour and a half. Ayer called my attention to it at that time. He said that I should not leave the

packing house at all from the time I reported at the office until the time I went home, and I never left it after that time, after receiving those orders.

Mr. DUNN. You had a right to leave for lunch?

Mr. HOLMES. I do not know whether I had or not; he did not say anything about it.

Mr. DUNN. Did he give you specific instructions that you were not to leave there at all from the time you arrived in the morning until you quit at night?

Mr. HOLMES. They were verbal instructions, and I forget about that.

Mr. DUNN. What he intended was that when you came on duty you were not to quit during working hours until the time to quit in the evening?

Mr. HOLMES. I suppose that is what he meant. I will state that Ayer never gave any written instructions at all to any stock examiner that I know of.

Mr. DUNN. You may state what, if anything, you know about the political meeting heretofore referred to by other witnesses which took place on the 11th of April, 1896. Did you attend that meeting?

Mr. HOLMES. I did not attend the meeting.

Mr. DUNN. Do you know who did attend from South Omaha?

Mr. HOLMES. Yes, sir.

Mr. DUNN. Who—that is, from the department?

Mr. HOLMES. There were from our abattoir John Zeller, Joseph Butler, I think it was, and Peter Sherlock.

Mr. DUNN. About what time in the day did they leave?

Mr. HOLMES. My judgment is they left about 2 o'clock, or probably later than that.

Mr. DUNN. Do you know of your own personal knowledge whether they left the department with the consent of Dr. Ayer?

Mr. HOLMES. Not of my own personal knowledge. It was talked about in Ayer's office by the timekeeper.

Mr. DUNN. Who is he?

Mr. HOLMES. Charles Conoyer.

Mr. DUNN. What did you hear him say about it, either prior or subsequent to the meeting?

Mr. HOLMES. I was in the habit of getting down a little later than the taggers. The stock examiners pretty nearly all did; that is, the post-mortem men.

Mr. DUNN. Do not cumber the record in that way. Just tell us what the facts are.

Mr. HOLMES. When I reported to Ayer's office in the morning Charles Conoyer told me that there would be several of the men who would attend the Democratic county central committee meeting that afternoon, mentioning Mr. Zeller's name. I do not know whether he mentioned the name of any of the other boys.

Mr. DUNN. Were you in the office during the afternoon again?

Mr. HOLMES. I was.

Mr. DUNN. Do you know whether or not Mr. Zeller and others went to the office of Dr. Ayer on their way from the abattoir uptown at or about 2 o'clock?

Mr. HOLMES. Yes.

Mr. DUNN. Do you know whether or not Dr. Ayer was there, or whether Charles Conoyer was there?

Mr. HOLMES. I do not know who was there.

Mr. DUNN. State whether or not it would be probable or possible

that those men were all away that afternoon without Dr. Ayer knowing it?

Mr. HOLMES. It could not very well be possible.

Mr. DUNN. Did you ever hear Dr. Ayer say anything about that or anything about politics?

Mr. HOLMES. I have heard him speak about politics.

Mr. DUNN. Did he ever discuss the relations of politics to the bureau so far as any of the employees were concerned?

Mr. HOLMES. Yes; when I first went to work there I reported to Dr. Blackwell, who was chief——

Mr. DUNN. Is the occurrence of which you are about to speak after July, 1895?

Mr. HOLMES. I heard him discuss politics, but not with me.

Mr. DUNN. Were he and persons in his office in the habit of discussing politics during the year 1896, and during the working hours in the department?

Mr. HOLMES. Yes, sir.

Mr. DUNN. Would Dr. Ayer himself discuss politics in the office with the men?

Mr. HOLMES. I never heard him discussing with the men in the office.

Mr. DUNN. Who did the principal part of the political work in Don C. Ayer's office?

Mr. HOLMES. Mr. Charles Conoyer.

Mr. DUNN. He is the secretary of Dr. Ayer?

Mr. HOLMES. He is, I think, what is known as timekeeper.

Mr. DUNN. He was generally understood also to be the confidential assistant in a political way of Euclid Martin in the department?

Mr. HOLMES. He was.

Mr. DUNN. Do you know from personal knowledge whether or not Mr. Conoyer was in the habit of reporting to Mr. Martin——

Mr. HOLMES. Yes.

Mr. DUNN. Regarding the action of employees there, so far as concerned politics? Do you know this of your own personal knowledge?

Mr. HOLMES. Only what Mr. Martin told me.

Mr. DUNN. Mr. Martin told you?

Mr. HOLMES. Yes, sir; he did.

Mr. DUNN. What was the general reputation of Mr. Conoyer in that regard among the employees of the department?

Mr. HOLMES. In what particular to you mean?

Mr. DUNN. As to reporting to Mr. Martin, his political chief, regarding the action in politics of the employees of the Department of Animal Industry at South Omaha.

Mr. HOLMES. He seemed to report everything he knew, not only to Mr. Martin, but to everybody.

Mr. DUNN. Was he in the habit of reporting some things he did not know?

Mr. HOLMES. I do not know about that. He pretended to know.

Mr. DUNN. You may state whether or not Mr. Charles Conoyer, during the campaign of 1896, was in the habit of bringing up the question of politics in the office whenever any of the employees would go into the office?

Mr. HOLMES. He would.

Mr. DUNN. To what extent was that true?

Mr. HOLMES. If there was a large meeting held at any place and an account of it was in the morning paper, he would call it to your attention as quick as you would come in, if you were in the habit of talking.

Mr. DUNN. Would he express opinions pro or con with regard to the campaign in general?

Mr. HOLMES. He would, particularly in Chicago.

Mr. DUNN. You may state what you know about Mr. Conoyer keeping Mr. Martin posted on the political situation, so far as it related to the action or opinion of the employees of the Bureau of Animal Industry at South Omaha.

Mr. HOLMES. I can not say as to that any more than what Mr. Martin told me.

Mr. DUNN. What did he tell you?

Mr. HOLMES. He told me, "You know how Charles Conoyer is; he is in the habit of carrying stories."

Mr. DUNN. Did he tell you anything particular that Mr. Conoyer had related, or did he merely speak in a general way?

Mr. HOLMES. Just in a general way.

Mr. DUNN. You may state whether or not you were called upon by any person or persons during that campaign to do political work.

Mr. HOLMES. I was.

Mr. DUNN. By whom?

Mr. HOLMES. By Euclid Martin.

Mr. DUNN. How did you receive the notification from Mr. Martin that he desired you to do any political work?

Mr. HOLMES. I received it through a letter sent by Mr. Martin to me in care of the Bureau of Animal Industry at South Omaha.

Mr. DUNN. Is it not a fact that all of the employees at South Omaha received such letters from Mr. Martin?

Mr. HOLMES. It is.

Mr. DUNN. Can you state from your own personal knowledge, or from your conversation with the different employees, whether they all received such letters from Mr. Martin?

Mr. HOLMES. Not all; but I spoke to a great many of them who told me they did. I saw them going up there for the purpose of calling on Mr. Martin the same as I did.

Mr. DUNN. Have you the letter?

Mr. HOLMES. No; I have not the original; a copy is in the testimony.

Mr. DUNN. Do you know where the original is?

Mr. HOLMES. I mislaid the original.

Mr. DUNN. You have looked for it?

Mr. HOLMES. Yes, sir.

Mr. DUNN. You have been unable to find it?

Mr. HOLMES. I have been unable to find it. I thought I had it, but I think during the last investigation I probably mislaid it.

Mr. DUNN. Did you see more than one of those letters?

Mr. HOLMES. Not the letters themselves. I saw them come in a bunch, but not to read them.

The CHAIRMAN. The letter is in evidence?

Mr. HOLMES. Yes.

Mr. DUNN. You went to Mr. Martin's office?

Mr. HOLMES. Yes, sir.

Mr. DUNN. What did he say to you?

Mr. HOLMES. He told me that he did not wish to have me make a fight for Bryan and free silver.

The CHAIRMAN. Who told you that?

Mr. HOLMES. Euclid Martin.

Mr. DUNN. Did you make any reply to that request?

Mr. HOLMES. Yes, sir.

Mr. DUNN. What reply did you make?

Mr. HOLMES. I think I first asked him who it was who was bringing in the stories from South Omaha in regard to the employees there.

Mr. DUNN. What made you believe that someboby had been bringing in stories?

Mr. HOLMES. The manner of his speaking, stating that I was making a fight for Bryan and free silver.

Mr. DUNN. Did he say to you that that was the case or that he so understood it?

Mr. HOLMES. That he so understood it; that that fact had been reported to him.

Mr. DUNN. He said that he did not want you to do it?

Mr. HOLMES. Yes, sir.

Mr. DUNN. Did he say anything about why he did not want you to do it?

Mr. HOLMES. He stated that himself, T. J. Mahoney, and I do not know whether he mentioned the name of Mr. McHugh or not, but he mentioned others, had taken up the fight here for Palmer and Buckner, and that it was his desire or the desire of J. Sterling Morton that the employees of South Omaha should do what they could in support of the Palmer and Buckner ticket, or at least not support the Bryan ticket.

Mr. DUNN. Now, directing your attention to a part of your remarks, will you, if you can, give the exact language of Mr. Martin when referring to the desire of the Secretary of Agriculture, J. Sterling Morton? Did he use Morton's name, or did he say the Secretary of Agriculture, or what? Give us his language as near as you can.

Mr. HOLMES. He used Morton's name two or three times. At one time he used the word "Secretary" in connection with Secretary Morton.

Mr. DUNN. And he said that it was the desire of Secretary Morton that the employees of the Bureau of Animal Industry should either support Palmer and Buckner, or at least not support Bryan?

Mr. HOLMES. That is right.

Mr. DUNN. Did Mr. Martin at that time, or any other time, object to your supporting Mr. Bryan upon the ground that in taking part in politics in that way you would be neglecting the duties of your position?

Mr. HOLMES. No; on the contrary, I first stated to him that I would not take any part in the campaign for the reason that the office was under the civil service. He assured me at that time that the persons who would aid them in giving a respectable vote for Palmer and Buckner, or aid in defeating Bryan in this, his home State, would not be forgotten by the Administration.

Mr. DUNN. Were you requested to do any particular work, or to take an active part?

Mr. HOLMES. He spoke considerably of the second ward—the ward where I live. I did not pay much attention to it. I did not tell him that I would support Mr. McKinley or Mr. Palmer.

Mr. DUNN. Did he at any time request you to take an active part in and to do political work during the campaign?

Mr. HOLMES. Yes, sir.

Mr. DUNN. He did ask you to do political work?

Mr. HOLMES. Yes, sir.

Mr. DUNN. You may state whether or not you did any political work during that campaign.

Mr. HOLMES. No, sir.

Mr. DUNN. State whether or not at any time while you were under the civil service at South Omaha any other person or persons requested you to do political work.

Mr. HOLMES. Do you mean in the last year?

Mr. DUNN. I mean any time while the office was in the classified service.

Mr. HOLMES. Oh, yes; I think so. Yes, in the Citizens' movement, a year or so before that. We were in the classified service then, I think.

Mr. DUNN. During the Citizens' campaign what, if any, political work were you requested to do?

Mr. HOLMES. I was requested to do what I could to support the Citizens' ticket at the polls on election day.

Mr. DUNN. Who requested that?

Mr. HOLMES. I think it was Mr. Sheean.

Mr. DUNN. By letter or verbally?

Mr. HOLMES. Verbally.

Mr. DUNN. Mr. Sheean constituted part of the committee here of what was known as the Cleveland wing of the Democracy—the Administration wing?

Mr. HOLMES. He did.

Mr. DUNN. State whether or not you were requested or authorized by Dr. Ayer to leave the department and to leave your work at any time during that campaign to do political work.

Mr. HOLMES. Not directly; indirectly I was.

Mr. DUNN. What do you mean?

Mr. HOLMES. His clerk, Mr. Conoyer, told me the night before that Ayer had made arrangements with the boys uptown—Mr. Sheean or Mr. McHugh; both, I think he stated—that we were to come down and report in the morning and go back and attend to the election.

Mr. DUNN. That was in the fall of 1895?

Mr. HOLMES. I think it was in the fall of 1895.

Mr. DUNN. It was during the Citizens' campaign?

Mr. HOLMES. In the Citizens' campaign.

Mr. DUNN. You knew Mr. Murphy, Mr. Zeller, and Mr. Seay?

Mr. HOLMES. I did.

Mr. DUNN. Did they all work with you at the same abattoir?

Mr. HOLMES. Mr. Zeller, I think, from the time he was reinstated until he was removed, worked generally in the same abattoir.

Mr. DUNN. Did you have an opportunity to observe the conduct of Mr. Murphy, Mr. Zeller, and Mr. Seay as to negligence or incompetency during that time?

Mr. HOLMES. To a great extent I did.

Mr. DUNN. State whether or not at any time you knew any one or all of those parties to neglect their duties or fail to be there during working hours.

Mr. HOLMES. Not while they were at abattoir 14.

Mr. DUNN. State whether or not you ever heard anybody complain of their work.

Mr. HOLMES. I did not.

Mr. DUNN. State whether or not their work appeared to be properly done, so far as you were able to observe.

Mr. HOLMES. It did.

Mr. DUNN. State whether or not the rating of employees there was made upon the efficiency of their work in their particular department.

Mr. HOLMES. It was not.

Mr. DUNN. State whether or not you know a relative of Dr. Ayer named Chase.

Mr. HOLMES. I do.

Mr. DUNN. State, if you know, what his employment is as it appears on the records of the Bureau of Animal Industry.

Mr. HOLMES. Tagger.

Mr. DUNN. State whether or not he ever performed any service as tagger.

Mr. HOLMES. He never did, to my knowledge.

Mr. DUNN. What is your knowledge?

Mr. HOLMES. My knowledge is that I saw him daily, or very nearly daily, for a year and a half or two years prior to the time I was removed.

Mr. DUNN. Performing what duty? What was he doing?

Mr. HOLMES. He was acting as stock examiner.

Mr. DUNN. Do you know what his rating is or was at the time he was rated?

M. HOLMES. He was a stock examiner and was given a rating of 100 as a tagger.

Mr. DUNN. Is this the man for whom you went to the new post-office and for whom you tried to get a position?

Mr. HOLMES. I think not. I think the man I tried to get a position for was an older man. He was a stonecutter, and had a family.

Mr. DUNN. Chase is Ayer's son-in-law?

Mr. HOLMES. Yes, sir.

Mr. DUNN. Dr. Ayer brought this man from Kansas to take that position?

Mr. HOLMES. I have been so informed.

Mr. DUNN. You do not know of your own personal knowledge?

Mr. HOLMES. Not of my own personal knowledge.

The CHAIRMAN. What is the salary of a tagger?

Mr. HOLMES. Seven hundred and twenty dollars a year.

The CHAIRMAN. What is a stock examiner's pay?

Mr. HOLMES. Nine hundred dollars a year.

The CHAIRMAN. You say this man was put on the pay roll as tagger, and not as stock examiner?

Mr. HOLMES. He was on the rolls as tagger and was doing stock examiner's work.

TESTIMONY OF J. ARTHUR TUCKER.

J. ARTHUR TUCKER, being duly sworn, testified as follows:

The CHAIRMAN. Where do you reside?

Mr. TUCKER. Omaha, Nebr.

The CHAIRMAN. What is your occupation?

Mr. TUCKER. Court reporter; stenographer of a court.

The CHAIRMAN. Were you employed by Mr. Huston, the agent of the Civil Service Commission, to take notes of the evidence in the investigation of charges against discharged employees in the Bureau of Animal Industry in South Omaha?

Mr. TUCKER. I was. I started the 11th of May.

The CHAIRMAN. Did you take the notes of the testimony in the case?

Mr. TUCKER. I did.

The CHAIRMAN. Did you take the notes of the testimony of Dr. White?

Mr. TUCKER. I did.

The CHAIRMAN. Dr. White has testified before this committee in the course of the investigation that the Civil Service Commission, through their agent, Mr. Huston, refused to report his testimony. Please state whether you took the notes of the testimony before Mr. Huston, and if so, what became of those notes.

Mr. TUCKER. They were sent with the record to the Civil Service Commission, directed personally to Mr. Huston.

The CHAIRMAN. I find by an examination of the record that his testimony does not appear.

Mr. TUCKER. No, sir; I will explain that, if you will allow me.

The CHAIRMAN. Please do so.

Mr. TUCKER. Mr. Huston was considering at length the expense and advisability of writing all of the notes as taken by me in the investigation, and he finally concluded that he would not have the whole of them written up—that is, the cross-examination, as made by Mr. Herdman and Mr. Lambert; and there was an agreement, as I understand, between Mr. Lambert and Mr. Huston. Inasmuch as he was not going to put the whole record in, Mr. Lambert did not want Dr. White's testimony to go in as I took it, but he would submit the testimony in narrative form; and that is the reason why the testimony was not written up.

The CHAIRMAN. Did he direct you to transcribe in full the examination in chief?

Mr. TUCKER. With the exception of repetitions and what he termed irrelevant matter. There was one witness, I remember, who went on at length and testified about a stove, and he considered that irrelevant and asked me to leave it out.

The CHAIRMAN. Did he direct you not to report the cross-examination?

Mr. TUCKER. My contract was not to report it.

The CHAIRMAN. Did he do that on the ground that it was immaterial evidence?

Mr. TUCKER. It seemed to be a matter of expense with him, which he wished to avoid.

The CHAIRMAN. He was more solicitous about the question of expense when dealing with the cross-examination than when dealing with the examination in chief?

Mr. TUCKER. He seemed to have more regard for the expense of the cross-examination. Even after the bill in its entirety was rendered, he had a good deal of regard for it.

The CHAIRMAN. Do you know how much the investigation cost?

Mr. TUCKER. I entered into a contract with him for my part for $200.

The CHAIRMAN. You do not know what he paid the witnesses?

Mr. TUCKER. I do not. I did not see him pay them anything.

The CHAIRMAN. From his conduct did you get the impression that he was trying to have an ex parte report made?

Mr. TUCKER. No, sir; I did not.

Mr. LAMBERT. Were you in a situation to observe the conduct of Dr. Ayer and one Ed Shelden with reference to the examination?

Mr. TUCKER. Yes, sir; I was.

Mr. LAMBERT. You may state whether or not, of your own knowledge, Dr. Ayer and Mr. Shelden would as a rule take out all the witnesses favorable to their side and talk to them privately.

Mr. TUCKER. They did.

Mr. LAMBERT. You may state whether or not Mr. Huston, before a witness went on the stand, would particularly tell him of his privileges

with reference to his refusal to answer a question, or to be wholly excluded from other parties except the examiner and yourself.

Mr. TUCKER. He did.

The CHAIRMAN. Did Mr. Huston offer to examine witnesses for the parties who had been discharged?

Mr. TUCKER. I beg your pardon; I do not just understand the question.

The CHAIRMAN. Did Mr. Huston offer to examine witnesses in behalf of the discharged employees of the Bureau of Animal Industry?

Mr. TUCKER. I think he did.

The CHAIRMAN. Did he examine witnesses for them?

Mr. TUCKER. I think he did.

The CHAIRMAN. Who is Mr. Edward Shelden?

Mr. TUCKER. He seemed to be what I would term a "spotter." I may be mistaken.

The CHAIRMAN. What do you mean by that term?

Mr. TUCKER. He seemed, from the way he conducted himself here, to be a man who went around from place to place in the Bureau of Animal Industry and kind of checked them up, kind of preferred charges, and looked over the business. That was my understanding from what I could observe of him. I am not prepared to say that that was his business.

The CHAIRMAN. He was "spotting" for the Government?

Mr. TUCKER. He was a Government employee, he told me.

Mr. LAMBERT. Will you state to the committee the relative proportions as between the cross-examination and the direct examination?

Mr. TUCKER. I should say it would be about double.

Mr. LAMBERT. The cross-examination would be?

Mr. TUCKER. Yes, sir; I consider it that way.

Mr. LAMBERT. About double that of the direct?

Mr. TUCKER. About double that of the direct.

Mr. LAMBERT. Mr. Huston, without objection, allowed cross-examination?

Mr. TUCKER. Yes, sir.

Mr. LAMBERT. And disallowed it only where the witnesses claimed the privilege of being exempt from it?

Mr. TUCKER. But he was continually admonishing you, if you remember, and cautioning you as to the size of the record and the probable expense.

TESTIMONY OF THADDEUS PERRINE.

THADDEUS PERRINE, being duly sworn, testified as follows:

Mr. DUNN. What is your business?

Mr. PERRINE. I am in the commission business—the live-stock business.

Mr. DUNN. Where?

Mr. PERRINE. South Omaha.

Mr. DUNN. Are you acquainted with Dr. Don C. Ayer, chief of the Bureau of Animal Industry at South Omaha?

Mr. PERRINE. Yes, sir.

Mr. DUNN. How long have you known him?

Mr. PERRINE. About two or three years; I guess about three years.

Mr. DUNN. Has his work, to any extent, come under your personal observation?

Mr. PERRINE. Yes, sir.

Mr. DUNN. Has he had occasion to condemn stock handled by you?

Mr. PERRINE. Yes, sir.

Mr. DUNN. You may state whether or not you know of any particular case in which Dr. Ayer condemned stock belonging to you or which you had sold to other parties in South Omaha in which a mistake of any kind was made.

Mr. PERRINE. On September 3, I think it was, of this year I had six animals.

Mr. DUNN. What were they?

Mr. PERRINE. They were bulls; I think four bulls and two cows. I had them altogether in one pen. Mr. Ayer condemned three of them to be shot, after I had sold them to Mr. Cudahy, of the Cudahy Packing Company, subject to post-mortem inspection. The next day I went to Mr. Ayer and objected to his condemning three and not condemning all of them, claiming that he could not show any distinction between one and the other.

Mr. DUNN. What was the fact as to the general appearance, at least the outward appearance, of the cattle?

Mr. PERRINE. About the same; I could not see any difference.

Mr. DUNN. What did he say was the matter with those cattle? For what reason did he condemn them?

Mr. PERRINE. Just simply that they were lump jawed.

Mr. DUNN. Did he furnish certificates of that fact, and have you a copy of the certificates?

Mr. PERRINE. I have.

Mr. DUNN. Will you produce those certificates?

Mr. PERRINE. Yes, sir; here they are.

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF ANIMAL INDUSTRY,
INSPECTION DIVISION,
South Omaha, Nebr., September 10, 1897.

This is to certify that two bulls, bearing tag numbers 161566 and 161657, consigned to Perrine & Cook, was condemned for actinomycosis on ante-mortem examination and rendered unfit for edible meat.

DON C. AYER, *Inspector.*

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF ANIMAL INDUSTRY,
INSPECTION DIVISION,
South Omaha, Nebr., September 10, 1897.

This is to certify that one bull, bearing tag number 161565, consigned to Perrine & Cook, was condemned for actinomycosis on post-mortem examination and rendered unfit for edible meat.

DON C. AYER, *Inspector.*

Mr. DUNN. You may state the details.

Mr. PERRINE. After I had talked to him the next day, I told him that if he condemned the three bulls without a post-mortem examination I should hold the Government responsible.

Mr. DUNN. What was done then?

Mr. PERRINE. He walked over to the yards with me—this was in his office at South Omaha—and went up and looked the bulls over again, and in place of condemning three of them he allowed one of them to go to Cudahy's, subject to inspection. That animal was passed through.

Mr. DUNN. "Passed through;" what do you mean by that?

Mr. PERRINE. It was passed upon by the inspectors as being all right.

Mr. DUNN. As being all right?

Mr. PERRINE. Yes, sir. I wish to say that the one he picked out of the three was, in my estimation, the worst one of the three in the pen.

Mr. DUNN. Have you a certificate from the Department showing that the bull referred to, which he had condemned on the ante-mortem examination, was passed on the post-mortem examination?

Mr. PERRINE. Yes, sir. You have it in your hands; a single bull. You will find there are two, and then one. The single bull is the one I am talking about.

Mr. DUNN. What have you to show that the bull condemned on the ante-mortem examination was passed as being all right at the post-mortem examination?

Mr. PERRINE. I have an account of the sale which we returned to the owner of the cattle.

Mr. DUNN. By whom?

Mr. PERRINE. By Perrine, Cook & Co. The books of Mr. Cudahy will also show that he paid us for only two bulls condemned, whereas there were three condemned by Mr. Ayer in the first place.

Mr. DUNN. This paper shows the number of cattle in the bunch for which you paid Mr. Conway. It does not bear any evidence that the particular bull which was first condemned in the yards by Mr. Ayer was finally passed in the packing house. You have no record of that?

Mr. PERRINE. Yes, sir. There were only six of those animals belonging to Mr. Conway at that time.

Mr. DUNN. You have not any record made by the United States Government in the Department which would single out this particular animal and show that he had passed all right?

Mr. PERRINE. I have a certificate there showing that three were condemned when there were only two condemned as a fact.

[Perrine, Cook & Co., live stock commission. Room 115 Exchange Building, Union Stock Yards.]

SOUTH OMAHA, NEBR., *Sept. 3, 1897.*

Sold for John Conway, from ———.

Purchaser.	Cattle.	Hogs.	Sheep.	Weight.	Pig.	Stag.	Shrink.	Price.	Amount.	Total.
Cudahy	2			1,830				2	36.60	
Do	1			1,260				2	25.20	
Do	1			980				2	19.60	
U. R. Co	2								3.50	
[Copy.]										84.90
Car Nos.	Freight, including feed on road									
	Yardage								1.50	
	Hay								.43	
	Corn									
	Inspection									
	Arbitration									
	Commission								.2	
	Total charges									3.93
Net										80.97
Draft										
Cash										
Balance										
Paid Tom Hunter for freight										6.00
Total										74.97
E. & O. E.										

Mr. DUNN. From your personal observation of this action of Mr. Ayer, after examination and inspection, condemning an animal that was in fact all right, what would you say as to his competency?

Mr. PERRINE. I can not help but say that, in my judgment, he is incompetent in his business.

Mr. DUNN. You think, then, that he is not a fit person in that particular line to control the Bureau of Animal Industry at South Omaha?

Mr. PERRINE. I do not think he is.

Mr. DUNN. Do you know of any other case or in a general way what has been the action of Dr. Ayer in dealing with cattle and stock at South Omaha?

Mr. PERRINE. Not personally. This is the only case about which I know personally.

Mr. DUNN. What is his reputation among the stock men and commission men as to competency, if you know?

Mr. PERRINE. His reputation is very bad.

Mr. DUNN. I mean his general reputation as to ability to perform the duties of that position.

Mr. PERRINE. That is what I mean when I say it is very bad.

Mr. DUNN. Do you mean that among the stockmen generally he is considered an incompetent man?

Mr. PERRINE. Yes, sir.

Mr. DUNN. State whether or not you were present at the meeting of or are a member of the stock exchange which adopted resolutions some time ago condemning Dr. Ayer's course.

Mr. PERRINE. I was.

Mr. DUNN. Those resolutions were made a matter of record in the exchange?

Mr. PERRINE. I presume they were.

The CHAIRMAN. Are the members of the stock exchange in any way related to the discharged employees of the Department?

Mr. PERRINE. No, sir.

The CHAIRMAN. They have no connection with them?

Mr. PERRINE. Not that I know of; not in the least.

The CHAIRMAN. Do you know the general character of Dr. Ayer?

Mr. PERRINE. No, sir.

The CHAIRMAN. How long have you known him?

Mr. PERRINE. About three years.

The CHAIRMAN. You do not know his general character?

Mr. PERRINE. No, sir.

Mr. LAMBERT. Are you acquainted with the general reputation of Mr. Beal for competency in the discharge of his work?

Mr. PERRINE. Yes, sir; to a certain extent I am.

Mr. LAMBERT. State what it is.

Mr. PERRINE. It is very good in my judgment.

The CHAIRMAN. Do you know Mr. Beal's general character?

Mr. PERRINE. I have known him for seven or eight years, and it is very good.

TESTIMONY OF CHARLES S. FELCH.

CHARLES S. FELCH, being duly sworn, testified as follows:

The CHAIRMAN. Do you know anything about Dr. Ayer having treated a horse at the Hammond packing house during office hours?

Mr. FELCH. During office hours?

The CHAIRMAN. Yes.

Mr. FELCH. No, sir.

The CHAIRMAN. If you know anything about that matter, state what it is.

Mr. FELCH. I have been with the Hammond Company as timekeeper for six years. Dr. Ayer has been at our place occasionally. He has been called there. He has been called by me to look at the horses when they needed veterinary work, and he has always, with one or two exceptions, come at the noon hour. I think he has come at night, but as a rule I think he comes between 12 and 1. He comes to my office, and if I am not in some one comes out and finds me, and I go to the stable with him. When he presents his bill for payment it is always handed to me to be O. K.'d, and I always O. K. it.

The CHAIRMAN. Do you recall that he was called there on one occasion to treat a black horse that had been gored by an animal?

Mr. FELCH. Yes, sir.

The CHAIRMAN. At what hour did he call on that occasion?

Mr. FELCH. I think he was there at 12 o'clock.

The CHAIRMAN. Twelve o'clock?

Mr. FELCH. Between 12 and 1 o'clock.

The CHAIRMAN. Was that during the noon hour, as you designate it?

Mr. FELCH. Yes, sir.

The CHAIRMAN. Is there anything else you desire to state?

Mr. FELCH. His name does not appear on our pay rolls. He is paid only for his services actually rendered. I mean that we do not pay him so much a month or so much a year to take care of the horses, but he is paid for what he actually does. It amounts to very little during the year; probably ten or fifteen dollars.

The CHAIRMAN. You have been with the company all the while?

Mr. FELCH. Yes, sir; I have been there six years.

The CHAIRMAN. You are sure that Dr. Ayer has never neglected his duty in order to attend to the horses?

Mr. FELCH. Yes, sir.

Mr. LAMBERT. The Hammond Company occupies a stable down there?

Mr. FELCH. Yes, sir.

Mr. LAMBERT. That stable is situated on what side of the plant?

Mr. FELCH. On the north side.

Mr. LAMBERT. How far from the plant?

Mr. FELCH. It is, I should say, about 200 feet.

Mr. LAMBERT. North of the plant?

Mr. FELCH. Yes, sir; possibly more than that.

Mr. LAMBERT. Who has charge of the stable in the daytime?

Mr. FELCH. No one particularly. We have not a regular man in the barn to take care of the horses.

Mr. LAMBERT. Does not your watchman take care of the stable in the daytime?

Mr. FELCH. No, sir.

Mr. LAMBERT. Are you sure of that?

Mr. FELCH. Yes, sir.

Mr. LAMBERT. Do you know Mr. James Vail?

Mr. FELCH. Yes, sir.

Mr. LAMBERT. Is he the watchman down there?

Mr. FELCH. No, sir.

Mr. LAMBERT. He never was watchman?

Mr. FELCH. Yes, sir; he was.

Mr. LAMBERT. Was he the watchman at any time?

Mr. FELCH. Yes, sir.

Mr. LAMBERT. About how long was he watchman there?

Mr. FELCH. He was watchman there probably four or five years.

Mr. LAMBERT. Was he recently removed?

Mr. FELCH. About a year ago and put at something else. We found a position for him in the house. It was about a year ago.

Mr. LAMBERT. Do you know whether it was part of his duty to take care of the stable in the daytime?

Mr. FLECH. We have——

Mr. LAMBERT. Answer my question. Do you know whether it was part of his duty while in your employ as watchman to take care of the stable in the daytime?

The CHAIRMAN. You can answer the question yes or no, and then make any explanation you desire.

Mr. FELCH. No. I think he used to feed the horse of Mr. Norris, the superintendent, at noon. One of our watchmen now comes into the barn at noon and feeds a number of the horses.

Mr. LAMBERT. All the stock is kept in the stable?

Mr. FELCH. Yes, sir.

Mr. LAMBERT. Is it possible for Dr. Ayer or any other person to come into that stable without you seeing them?

Mr. FELCH. Yes, sir; it is possible, of course.

Mr. LAMBERT. Persons might go in there at any hour and you could not see them?

Mr. FELCH. Certainly.

Mr. LAMBERT. You do not know of your knowledge whether he did go in there with Mr. Vail and treat horses?

Mr. FELCH. No, sir. I know that it is always customary for him to come to the office.

Mr. LAMBERT. You do not know from your own knowledge whether or not he did go in there with Mr. Vail?

Mr. FELCH. No, sir; I can not say that he did not.

Mr. DUNN. Do you know about what time the black horse referred to was injured?

Mr. FELCH. Between 10 and 11 o'clock, I think.

Mr. DUNN. Was the horse injured so that it needed medical or surgical attendance?

Mr. FELCH. Yes, sir.

Mr. DUNN. Yet you say to the committee that you waited until 12 o'clock to have the horse attended to.

Mr. FELCH. It took us some time that day before we could find the Doctor.

Mr. DUNN. It took from some time in the morning until noon?

Mr. FELCH. We sent some one out to hunt him up.

Mr. DUNN. Who did? You?

Mr. FELCH. Yes, sir.

Mr. DUNN. And he came about as soon as he was found?

Mr. FELCH. No; I do not think so. He was found a little after 11, and he sent back word that he would be down at noon.

Mr. DUNN. And your company, the Hammond Company, with a valuable horse gored by a steer, a wound which might prove dangerous, waited an hour for this man to come down?

Mr. FELCH. It was not a valuable horse.

Mr. DUNN. Is it your intention to say to the committee that whenever the Hammond Company had a horse sick, if it became sick or was

injured at 9 or 10 o'clock in the morning, they would always wait until noon for Dr. Ayer to come; or if it was injured early in the afternoon they would wait until after office hours in the evening, and he would then come?

Mr. FELCH. We never had a horse that needed attention right away. I think this was the worst case we ever had.

Mr. DUNN. Did you ever have a horse with the colic?

Mr. FELCH. I think not; not that I remember.

Mr. DUNN. Do you know anything about the diseases of the horses which Dr. Ayer was called upon to attend?

Mr. FELCH. Yes, sir.

Mr. DUNN. What were they?

Mr. FELCH. We had horses that had been gored by cattle in the yard and horses with distemper.

Mr. DUNN. And in your judgment horses gored by cattle in the yard would not need attention right away?

Mr. FELCH. Yes, sir; I think they would, as soon as we could get it.

Mr. DUNN. If a horse was gored and needed attention right away, and you sent for Dr. Ayer, do you mean to say that if Dr. Ayer could not come or would not come until 12 o'clock, or after business hours, the company would wait for him and not send for somebody else?

Mr. FELCH. We would not necessarily wait for him. We would call somebody else sometimes.

Mr. DUNN. Is it not a fact that Dr. Ayer has been doing practically all the Hammond company's work for three or four years?

Mr. FELCH. He has done a good share. Dr. Kelly has done some.

Mr. DUNN. In the case of the black horse, injured between 10 and 11 o'clock——

Mr. FELCH. I think he was. I do not remember the time. It might have been between 11 and 12. I know it was in the forenoon.

Mr. DUNN. How do you happen to know that the Doctor came at 12 o'clock?

Mr. FELCH. I went to the barn with him.

Mr. DUNN. He came to your office and reported and then you went to the barn?

Mr. FELCH. Yes, sir.

Mr. DUNN. Did you have charge of the barn?

Mr. FELCH. No, sir.

Mr. DUNN. How did it happen that Dr. Ayer would come and report to you whenever he was going to attend to a horse that was injured? It was not in your department, was it?

Mr. FELCH. Only in a general way. I was timekeeper and paymaster.

Mr. DUNN. What connection is there between timekeeper and doctoring horses?

Mr. FELCH. None in particular. I was right there by the barn and if anything needed looking after I always did it.

Mr. DUNN. You have always done the looking after things in connection with the barn at the Hammond Packing Company house?

Mr. FELCH. If we needed a doctor or anything like that I would call him.

Mr. DUNN. You were with him this particular day?

Mr. FELCH. Yes, sir.

Mr. DUNN. What time do you generally go to lunch?

Mr. FELCH. I usually bring my lunch.

Mr. DUNN. So that you are right at the office all the time?

Mr. FELCH. Yes, sir. I sometimes go out.

Mr. DUNN. How did you happen to charge your memory with the exact time when the Doctor made this visit to the Hammond Company's stable?

Mr. FELCH. I did not charge my memory at all.

M. DUNN. How do you remember that it was just 12 o'clock?

Mr. FELCH. Because that was the time he usually came—between 12 and 1.

Mr. DUNN. When he usually came. Has he some particular habit with reference to visiting the Hammond Company's stables?

Mr. FELCH. No, sir. He usually came between 12 and 1, and on a few occasions he has been there after working hours, at night.

Mr. DUNN. He still continues to be the regular physician, so far as horses are concerned, for the Hammond people?

Mr. FELCH. He has not been there for six months or more.

Mr. DUNN. Is that because you have not had any horses to attend to?

Mr. FELCH. I think so.

Mr. DUNN. Of course you would not have him unless you have some work for him to do; but when you need work he is the regular doctor?

Mr. FELCH. He was the last man there.

Mr. DUNN. You say his name is not on the pay rolls?

Mr. FELCH. No, sir.

Mr. DUNN. He is simply paid for what he does?

Mr. FELCH. Yes, sir; for what he actually does.

Mr. DUNN. Do any of his bills pass through your hands?

Mr. FELCH. Yes, sir.

Mr. DUNN. How does that happen? You simply keep the time of the different workmen employed in the Hammond company.

Mr. FELCH. I am the one who always calls him and whenever they brought the bill there——

Mr. DUNN. How do you know you are the one who always called him? Do you say that nobody else connected with the stable ever called him?

Mr. FELCH. If I did not call him, he always reports to me.

Mr. DUNN. Who does?

Mr. FELCH. Dr. Ayer.

Mr. DUNN. Why so?

Mr. FELCH. He always has.

Mr. DUNN. Why so?

Mr. FELCH. Perhaps he would come there and ask what horse was sick.

Mr. DUNN. Are you out of the house somewhere attending to other duties, or are you always right in the office?

Mr. FELCH. I am generally there between 12 and 1.

Mr. DUNN. And it would not be possible for somebody else to call him and for him look at a horse without seeing you?

Mr. FELCH. It would be possible.

Mr. DUNN. You do not claim that Dr. Ayer's charges for attending a horse would go upon your books the same as the time of men employed there?

Mr. FELCH. No, sir.

Mr. DUNN. He simply sent in a bill for the amount of work he did?

Mr. FELCH. Yes, sir.

Mr. DUNN. Does he send the bill to you or to the bookkeeper?

Mr. FELCH. He sometimes handed it to me and sometimes to the office.

Mr. DUNN. His bill might be paid without your knowing anything about it?

Mr. FELCH. No. It is handed to me to be O. K'd.

Mr. DUNN. Whether or not you know anything about it?

Mr. FELCH. I think I have always known about it.

Mr. DUNN. You think. Are you sure he has never attended any horses there without your knowledge?

Mr. FELCH. I am sure so far as the bills I have O. K'd are concerned.

Mr. DUNN. You and Dr. Ayer are particularly friendly; you are good friends?

Mr. FELCH. Yes; in a business way. There is no particular friendship.

Mr. DUNN. You recognize the fact that he is chief of the Bureau of Animal Industry at South Omaha, and oversees the work of the men at the Hammond house the same as in all the other houses?

Mr. FELCH. Yes, sir.

Mr. DUNN. You realize that it would not be an advantage to the Hammond Packing Company to incur the enmity of Dr. Ayer while he holds that position? You know that to be a fact, do you not?

Mr. FELCH. I do not know that I am able to answer the question.

TESTIMONY OF JAMES KUNES.

JAMES KUNES, being duly sworn, testified as follows:

Mr. DUNN. State your full name.

Mr. KUNES. James Kunes.

Mr. DUNN. What has been your employment during the last three years?

Mr. KUNES. Tagger in the packing house.

Mr. DUNN. Under whose direction have you been employed; that is, who has been your immediate superior in the house?

Mr. KUNES. Dr. Ayer.

Mr. DUNN. Is there any other person than Dr. Ayer in charge of the house?

Mr. KUNES. Dr. Blackwell.

Mr. DUNN. You have worked under Mr. Blackwell's superintendency how long?

Mr. KUNES. It is either two years and a half or three years; something like that.

Mr. DUNN. Do you remember an occurrence about a year and a half ago, about the 11th day of April, 1896, when the Democratic county committee of Douglas County held a meeting in the city of Omaha for the purpose of sending delegates to the State convention?

Mr. KUNES. Yes, sir; I do.

Mr. DUNN. Who were working in the same house with you as taggers at that time?

Mr. KUNES. Mr. Murphy and Mr. Nichols and Mr. Sherlock; I think it was Mr. Sherlock.

Mr. DUNN. Do you remember whether the taggers left work that day at the South Omaha station and went up to the city to attend the committee meeting?

Mr. KUNES. They did.

Mr. DUNN. Do you remember which ones attended it?

Mr. KUNES. I think Mr. Zeller and Mr. Butler. Those two I am pretty sure of.

Mr. DUNN. State whether or not any of the taggers in the house at which you were employed were sent over to the other house to do work.

Mr. KUNES. Yes, sir; they were sent.

Mr. DUNN. Who were sent?

Mr. KUNES. All three of us—Mr. Murphy, Mr. Butler—Paddy Butler—and I.

Mr. DUNN. There were two Butlers—Patrick Butler and Joseph Butler?

Mr. KUNES. Joe Butler had been in the house.

Mr. DUNN. Was it Mr. Butler or Mr. Nichols who was sent over?

Mr. KUNES. Mr. Nichols. That is right; I was mistaken.

Mr. DUNN. You went to what house?

Mr. KUNES. We went to the Hammond house.

Mr. DUNN. To perform the work left undone by whom?

Mr. KUNES. By Mr. Zeller and Mr. Butler—Joe Butler.

Mr. DUNN. They were not there; they had left and gone to the city?

Mr. KUNES. Yes, sir.

Mr. DUNN. Did you talk with Dr. Ayer or with anybody?

Mr. KUNES. I did not.

Mr. DUNN. I mean regarding that matter.

Mr. KUNES. No, sir; I did not see Dr. Ayer at all, but Mr. Murphy came down to our house—the Swift house—and he said, "Boys, we have to go to another house." I said, "Why?" He said, "I was told by Dr. Ayer to go over to the other house and do the work that those fellows did not do. They had to go uptown."

Mr. DUNN. Did anybody else besides James Murphy tell you about going over there?

Mr. KUNES. No, sir; but he said he was told by Dr. Ayer.

Mr. DUNN. State whether or not when you went to the house you reported to Dr. Schirmer.

Mr. KUNES. We did report to Dr. Schirmer.

Mr. DUNN. What did he state to you as to whether or not the work was already done?

Mr. KUNES. It was already done. He said they did not need any help. He said the work was already done.

Mr. DUNN. In other words, Mr. Zeller and Mr. Sherlock, before leaving, had done all the work to be done there?

Mr. KUNES. I think it must have been done, because we did not do any work.

Mr. DUNN. Dr. Schirmer stated to you that it was all done?

Mr. KUNES. Yes, sir.

Mr. DUNN. State whether or not you had an opportunity to judge of the work done by Mr. Murphy while he was in the house; did you see the work done by Murphy during the time he worked in that house?

Mr. KUNES. In the Hammond house?

Mr. DUNN. No, where you were.

Mr. KUNES. He did work with me.

Mr. DUNN. He was there a year or two. Was he a good man? Was he there on time, and did he attend to his work?

Mr. KUNES. He always was good, and he attended to his business first rate.

Mr. DUNN. Did you ever hear anybody make any complaint of his work, that it was not properly done?

Mr. KUNES. I do not know of anybody.

Mr. DUNN. Did you ever know him to be absent when there was work to be done?

Mr. KUNES. No; I do not.

Mr. DUNN. State whether or not you received a letter from Euclid Martin during the campaign of 1896, requesting you to come to his office.

Mr. KUNES. I have the letter from Mr. Martin, the postmaster.

Mr. DUNN. Where is the letter?

Mr. KUNES. I have not the letter here. I have it home some place.

Mr. DUNN. You have the letter?

Mr. KUNES. I do not know.

Mr. DUNN. You did receive a letter of that kind?

Mr. KUNES. I got the letter. Perhaps the letter was thrown away.

Mr. DUNN. What did the letter say?

Mr. KUNES. He sent me a letter to come up to see him.

Mr. DUNN. Did you go?

Mr. KUNES. Yes, sir.

Mr. DUNN. What did he say?

Mr. KUNES. He did not talk to me much. He was talking to Paddy Butler, and he said, "Boys, if I were you I would vote the straight Democratic ticket and would never vote for a Populist."

Mr. DUNN. Did he tell you to do any political work of any kind?

Mr. KUNES. No, sir; he never did.

Mr. DUNN. Do you know to whom he referred when he talked about voting the straight Democratic ticket?

Mr. KUNES. I do not know, but he meant the gold Democratic ticket, I suppose.

Mr. DUNN. The Palmer and Buckner ticket?

Mr. KUNES. Yes, sir.

Mr. DUNN. To vote for what was called the Gold Democratic ticket?

Mr. KUNES. Yes, sir; that was his idea. I am not sure about that; it may have been something else.

TESTIMONY OF JAMES D. MURPHY.

JAMES D. MURPHY, being duly sworn, testified as follows:

Mr. DUNN. You entered the employ of the Government in the Bureau of Animal Industry at South Omaha as a tagger at what time?

Mr. MURPHY. June 1, 1895.

Mr. DUNN. Was the department under the classified service at that time?

Mr. MURPHY. It was not. It was shortly after that. The 1st of July, 1895, I think, it took effect, but we did not know it for some months afterwards.

Mr. DUNN. State under whose immediate supervision you worked while there.

Mr. MURPHY. Dr. J. G. Blackwell.

Mr. DUNN. You were in the Swift house?

Mr. MURPHY. Yes; with the exception of a few months.

Mr. DUNN. During those few months, where were you?

Mr. MURPHY. At the Hammond house.

Mr. DUNN. Under whose direction?

Mr. MURPHY. Dr. Schirmer's.

Mr. DUNN. Did you know Dr. Ayer while you worked for Mr. Schirmer?

Mr. MURPHY. Yes, sir.

Mr. DUNN. Did you see him about the houses occasionally?

Mr. MURPHY. Very seldom at the Swift house.

Mr. DUNN. State whether or not during the time you worked there, so far as you know, any complaint was ever made by Dr. Blackwell, or anybody else, regarding your work.

Mr. MURPHY. No, sir.

Mr. DUNN. State whether or not during that time, that is, from the time office went into the classified service until you were discharged, you were absent from work.

Mr. MURPHY. I will state that I have not yet been discharged. I have been indefinitely suspended.

Mr. DUNN. During the time prior to your suspension were you at any time absent from work when work was required to be done?

Mr. MURPHY. Not when I had reported. I have been absent with permission on several occasions, but not when I had reported for work.

Mr. DUNN. About what time in the morning would it be necessary for you to arrive at work?

Mr. MURPHY. There was no time ever given me.

Mr. DUNN. Was that determined by the time they began killing?

Mr. MURPHY. Our work, the tagging work, did not commence until they had begun the killing.

Mr. DUNN. Sometimes it began earlier than at other times?

Mr. MURPHY. Yes, sir. In the last year or so, perhaps, or eight months, Dr. Ayer told us one morning that the usual hour would be considered 8 o'clock in the morning, but that was not more than eight months ago, probably.

Mr. DUNN. Do you know why you were suspended?

Mr. MURPHY. It took me some time to find out.

Mr. DUNN. Have you found out now?

Mr. MURPHY. Yes, sir; I received a letter from the Department.

Mr. DUNN. Have you the letter?

Mr. MURPHY. The letter is in evidence, I think. It was introduced yesterday.

The CHAIRMAN. State the cause of your removal.

Mr. MURPHY. As near as I can remember it was inadaptability, inefficiency, low marking, and on account of the low appropriation.

Mr. DUNN. The letter to which you refer is the one I introduced in evidence yesterday?

Mr. MURPHY. Yes, sir.

Mr. DUNN. You may state what was your first communication with the Government.

Mr. MURPHY. I received a letter dated the 19th of July asking for my resignation.

Mr. DUNN. Did it state upon what ground they desired it?

Mr. MURPHY. None whatever.

Mr. DUNN. Have you the letter?

Mr. MURPHY. Yes, sir.

Mr. DUNN. Let me see it.

Mr. MURPHY. Here is the request, and here is a blank resignation filled out.

The papers referred to are as follows:

UNITED STATES DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D. C., July 19, 1897.

Mr. JAMES D. MURPHY,
Tagger, South Omaha, Nebraska.

SIR: You are hereby informed that your resignation of the position you hold in the U. S. Department of Agriculture will be accepted to take effect at the termination of July 31st, 1897.

Respectfully,

[SEAL.] JAMES WILSON,
Secretary Department of Agriculture.

UNITED STATES DEPARTMENT OF AGRICULTURE,
July 19, 1897.

To the Honorable the SECRETARY OF AGRICULTURE.

SIR: In compliance with your request I hereby tender my resignation as tagger at South Omaha, Nebr., in the Bureau of Animal Industry in the Department of Agriculture, to take effect at the termination of the 31st day of July, 1897.

Very respectfully, ——— ———.

Accepted:

———, *Secretary.*

Mr. DUNN. Did you refuse to sign the blank resignation sent to you?

Mr. MURHY. I did.

Mr. DUNN. Did you in reply write a letter to the Government or to Mr. Wilson, Secretary of Agriculture?

Mr. MURPHY. Yes, sir; I have a copy of it in my pocket. I refused on the ground that I had attended strictly to my duties and that I considered myself in the classified service, and consequently there was no reason for my resignation. That was the gist of it. I gave several other reasons why I would not resign.

Mr. DUNN. Do you know when the rating was made, so far as you were concerned?

Mr. MURPHY. The first rating? I do not know the exact date.

Mr. DUNN. About what time was the first rating made?

Mr. MURPHY. I think it was made along last October or November—somewhere along there; I will not be positive when.

Mr. DUNN. Was it made shortly after or before the election last year, 1896?

Mr. MURPHY. Yes, sir; about that time.

Mr. DUNN. Do you know what your rating was?

Mr. MURPHY. I do not.

Mr. DUNN. Have you heard anybody in a position to know state or testify what it was?

Mr. MURPHY. Dr. Ayer told me one day what my rating was.

Mr. DUNN. Dr. Ayer made the rating?

Mr. MURPHY. Yes, sir; I suppose so.

Mr. DUNN. What did he state?

Mr. MURPHY. He did not state the percentage. We went up one day about 11 o'clock for supplies. Dr. Ayer was in the office. We had to go from the packing house to the main office to get our supplies. I think Sherlock was with me; one of the other taggers was, anyhow. He spoke about our all having a rating now, and he said, "I have marked you fellows way up in 'G.'" That is the way he put it. He went on and gave us quite a long talk. He said, "The fellows who attend to their business will hold their jobs; those who do not, will not. They will have themselves to blame." He took me into his private office and called my attention to the rating. I remember J. G. Blackwell's name was on one of the sheets. It was separate. I did not notice what the percentage was. He did not tell me. He said, "I have marked you way up in 'G.'" It seems to me that was after the first of the present year.

Mr. DUNN. Do you know whether or not there were any other ratings made at that time?

Mr. MURPHY. I do not know from my own personal knowledge.

Mr. DUNN. From the time the rating was made until the time you were suspended did you at any time neglect the duties of your position or fail to perform the work properly?

Mr. MURPHY. No, sir. I performed more duties during the last seven or eight months than I had before in double the same time.

Mr. DUNN. Are you able to state what amount of work you and the persons working at the abattoir performed as compared with the work performed since that time with the same number of men in the different departments at South Omaha?

Mr. MURPHY. I will give you an illustration of it, if you wish.

Mr. DUNN. Yes; that is what I want.

Mr. MURPHY. Two of us, Sherlock and I, have put on as many as and more than 3,600 tags in a day. While the whole 3,600 were not reported, there was one day when we put on 3,012, and I put on 448 left over from the day before.

Mr. DUNN. How did that average as to being a fair day's work?

Mr. MURPHY. I heard it testified to on the stand last night that the day after we were let out, the Monday following ——

The CHAIRMAN. That is not responsive.

Mr. DUNN. What would be a fair day's work?

Mr. MURPHY. It would depend upon the expertness of the men. New men did not average 400 apiece. The average day's work for a man, a good day's work, what would be considered fair, would be about 700 tags, I should think.

Mr. DUNN. That would be a fair average, taking all the men and all the houses at South Omaha?

Mr. MURPHY. They do not average that much, but I should say it would be a good fair average. It would be considered a good day's work.

Mr. DUNN. What had been the average of yourself and Mr. Sherlock during most of the time; say for the last six months that you worked in the house?

Mr. MURPHY. I could not tell without looking over the books.

Mr. DUNN. Did you average as high as 1,000 apiece?

Mr. MURPHY. It was like this: Some days we put on 2,000 tags, and some days 2,800—the two of us. But to say 3,000 in a day—of course on a light day we probably would not have more than 1,000 tags. But it was very seldom during the last few months I was there that we did not have more than that number.

Mr. DUNN. Whenever you had 3,000 tags to put on you simply had to stay until you finished the work?

Mr. MURPHY. Yes, sir.

Mr. DUNN. And you did so?

Mr. MURPHY. Always.

Mr. DUNN. You may state whether or not, at the time you received the letter from Washington asking for your resignation, you went to Dr. Blackwell, the doctor in charge of the house where you worked, and asked him for a statement to be sent to the Department at Washington regarding your efficiency and the kind of work you had been doing.

Mr. MURPHY. Yes, sir.

Mr. DUNN. What did he reply?

Mr. MURPHY. He said, "I consider you the best or one of the best taggers I have ever had." I have embodied that in an affidavit and sent it on.

Mr. DUNN. What did he say as to whether or not he was willing to give you a letter of recommendation to send to the Department?

Mr. MURPHY. I asked him for a letter to that effect. He said: "I will tell you, Jim; you know that Ayer has not got very much use for me, and he has been trying to get my scalp here, and if I gave you a letter stating that you are a good man, it would merely be a question of veracity between Dr. Ayer and me, for he has probably given you a bad record; and with the pull he has with the powers that be at Washington he would soon get my scalp or cause me to lose my job. I would rather not do it. I do not think it would have much weight. He seems to have a great pull with Dr. Salmon or somebody there, and has come pretty near getting me. I received a pretty saucy letter from the Department only a short time ago."

Mr. DUNN. He refused upon that ground to give you a statement of the character of your work?

Mr. MURPHY. Yes, sir. I made an affidavit to that effect and sent it to the Secretary.

Mr. DUNN. You may state what, if anything, you know about the unfriendly attitude of Dr. Ayer toward you. Has he ever made any statements or declarations against you?

Mr. MURPHY. Yes. sir; he did.

Mr. DUNN. What was it?

Mr. MURPHY. During the first three weeks I worked in South Omaha Mr. Schibsby came to me one day and told me that Dr. Ayer had told him that I was in a conspiracy against him there. Schibsby said: "I told him I do not believe it." I told Schibsby that I was not in it, so that he would tell him. I intended to speak to Ayer myself, but he had some trouble with the fellows at that time and I did not want to mix up with it.

Mr. DUNN. What, if anything, do you know about the meeting on April 11, 1896?

Mr. MURPHY. I know there was a meeting on that day.

Mr. DUNN. Did you hear Dr. Ayer testify yesterday that he did not instruct you or anybody else to go to the Hammond packing house to perform the work of Mr. Zeller and Mr. Sherlock?

Mr. MURPHY. I did.

Mr. DUNN. State whether or not you had a conversation with Dr. Ayer in regard to the matter.

Mr. MURPHY. I did.

Mr. DUNN. On what day, and in what place did it occur?

Mr. MURPHY. About 10 o'clock, and not fifteen minutes one way or the other.

Mr. DUNN. On the 11th of April?

Mr. MURPHY. On the 11th of April, at the southeast corner of N street and the railroad tracks, in front of the Delmonico Hotel.

Mr. DUNN. What did he say?

Mr. MURPHY. He said, "What time are you going to get done killing at Swift's," or "down at No. 5?" one term or the other. I said, "About 2 o'clock, I guess." He said, "Well, you take the other boys and go over there, and if there is any work to be done over there do it."

Mr. DUNN. Over where?

Mr. MURPHY. Over at Hammond's; to go over to Hammond's. He said, "The boys over there have to go uptown this afternoon." Those are the exact words he used.

Mr. DUNN. Did you obey the instruction of Dr. Ayer and go over to the Hammond house that afternoon?

Mr. MURPHY. I did.

Mr. DUNN. When you arrived there what did you find to be the situation?

Mr. MURPHY. We finished our work a little later than I told Dr. Ayer we would. They added more cattle. We were done possibly at quarter to 3 or 3 o'clock—in that neighborhood. We went over. I met Dr. Schirmer. I said, "We have brought over our tools and have come over to help out your work," or "help you out," or words to that effect. He laughed and said, "Boys, we do not need you; the work is all done."

Mr. DUNN. Had Mr. Zeller and Mr. Sherlock left at that time?

Mr. MURPHY. Yes, sir.

Mr. DUNN. Did you have any conversation with Dr. Ayer after that in regard to the meeting?

Mr. MURPHY. I did.

Mr. DUNN. What, if anything, was said by him at that time?

Mr. MURPHY. It was at the time of the Huston investigation by the Civil Service Commission. He went up one night where they were holding the investigation, and I was standing on the stairway. He and Ed. Shelden came along and said something. I did not understand what they said.

The CHAIRMAN. Who said something?

Mr. MURPHY. Mr. Ayer. I understood that he said we had them put out. That is what he said when he passed by. I did not hear it; I am a trifle hard of hearing, and did not catch it. I told Shelden I wanted him to hear me testify; that I had nothing to conceal. I went out to look for him and could not find him. The next morning when I reported at the office he was there and I asked him about it.

Mr. DUNN. You asked who?

Mr. MURPHY. Ayer. I said I did not understand what he said that evening. I said that I wanted him to understand distinctly that I was not afraid to have anybody hear my testimony; that I had nothing to conceal. My testimony was in regard to going over to Hammond's to do work that day. He said, "What date was that on?" I said, "The 11th of April." He did not say any more.

Mr. DUNN. That is all he said?

Mr. MURPHY. Yes, sir. It stopped the conversation when I said the 11th of April.

Mr. DUNN. Were you at any time requested by anybody, through the mail or otherwise, to do political work during the campaign of 1896?

Mr. MURPHY. No, sir.

Mr. DUNN. You did not receive a letter from Mr. Martin?

Mr. MURPHY. No, sir.

M. DUNN. During the year 1895, in the Citizens' movement, so called, in Douglas County, were you requested by any person to do political work?

Mr. MURPHY. Yes, sir.

Mr. DUNN. By whom?

Mr. MURPHY. J. B. Sheean.

Mr. DUNN. By letter or verbally?

Mr. MURPHY. Verbally; he talked with me very often about it.

Mr. DUNN. Did you do any political work before that?

Mr. MURPHY. Yes, sir.

Mr. DUNN. Were you excused from the department?

Mr. MURPHY. Yes, sir.

Mr. DUNN. By whom?

Mr. MURPHY. By Charles Conoyer.

Mr. DUNN. Charles Conoyer is a clerk in the employ or in the office of Dr. Ayer?

Mr. MURPHY. He is.

Mr. DUNN. Is he the chief clerk in Dr. Ayer's department?

Mr. MURPHY. I do not know who has the title.

Mr. DUNN. Does he work under the immediate direction of Dr. Ayer?

Mr. MURPHY. Yes, sir. If Dr. Ayer was not there, we had it through Mr. Conoyer. The taggers always did.

Mr. DUNN. Mr. Conoyer excused you on how many occasions?

Mr. MURPHY. That was the only instance, that I know of, for any political matter.

Mr. DUNN. How many times a year; once or more?

Mr. MURPHY. I had been up there once or twice when Dr. Ayer was not there, and on one occasion I told him I had to go up town. He said, "You had better see the doctor," and I told him I had not time, that I was subpœnaed to the United States court. He excused me but once. I never asked to be excused at any other time.

Mr. DUNN. Were you excused that time upon your own request?

Mr. MURPHY. I will explain the matter.

Mr. DUNN. Do so.

Mr. MURPHY. Sheean talked to me about the Citizens' movement. I had charge of the precincts of the second ward. He wanted me to get off. I asked, "How will it be about getting off." He said, "It will be all fixed. We want all the boys off, and they will all get off. We fix it with Ayer." The night before election day Conoyer told me, "You just come down in the morning and report to the office and do not go to the packing house at all. Just show up and turn right back." But I did not report that morning as I had some other business. I was hurried around looking after the polls and did not go down at all.

Mr. DUNN. Do you know whether or not a number of other taggers went down and reported to the office and came back?

Mr. MURPHY. Yes, sir; any number of them.

Mr. DUNN. When you returned to the office the next day was there any complaint from Dr. Ayer or Mr. Conoyer or anybody else about your not having been at work that day?

Mr. MURPHY. No, sir; it was understood that we would be off.

Mr. DUNN. Did you know Mr. Holmes? Did he work in the same department with you?

Mr. MURPHY. I worked with him for a short time in the Hammond house.

Mr. DUNN. Did you notice, upon his part, any neglect of duty, of failure to perform duty properly?

Mr. MURPHY. No, sir.

Mr. DUNN. Did anybody make any complaint of Mr. Holmes?

Mr. MURPHY. They never did. I had occasion to go up on his floor a great deal. While I was there I had to stamp the hogs, and I always found him there.

Mr. DUNN. You knew Mr. Zeller?

Mr. MURPHY. Yes, sir.

Mr. DUNN. Did you work with him a part of the time or in the same house?

Mr. MURPHY. No, sir; I do not think I did, but I would be back and forth in his house a good deal?

Mr. DUNN. Do you know what Mr. Zeller's standing was as a competent and efficient man; how he was considered by the persons in charge of the different houses under whose direction he had worked?

Mr. MURPHY. Mr. Zeller's reputation was that of being one of the steadiest and best men in the department.

Mr. DUNN. Did you ever hear Dr. Schirmer, under whose immediate supervision he worked, express himself at any time regarding the work of Mr. Zeller?

Mr. MURPHY. Yes, sir; I did hear him express himself.

Mr. DUNN. Was it favorable or unfavorable? Give us what he said?

Mr. MURPHY. He used to hold Mr. Zeller up as a kind of model for the rest of the boys to pattern after.

TESTIMONY OF MR. CHARLES M. CONOYER.

CHARLES M. CONOYER, being duly sworn, testified as follows:

The CHAIRMAN. What is your present occupation?

Mr. CONOYER. Clerk in the Agricultural Department, Bureau of Animal Industry, South Omaha.

The CHAIRMAN. How long have you been employed in that Department?

Mr. CONOYER. Since the 15th day of June, 1895.

The CHAIRMAN. Are you acquainted with Mr. Zeller?

Mr. CONOYER. Yes, sir.

The CHAIRMAN. How long have you known him?

Mr. CONOYER. About twenty-five years.

The CHAIRMAN. What is his general character?

Mr. CONOYER. His general character is good.

The CHAIRMAN. Do you know about his efficiency as a tagger while employed there?

Mr. CONOYER. That I can not say. I never saw the man while he was at work. In the morning the men come in and get their tags and material, and then they go to work; and I never see a man until after he comes back from work. Since I have been down there I have never heard anything against him.

The CHAIRMAN. You have never heard anything against him?

Mr. CONOYER. No, sir.

The CHAIRMAN. Were the reports which were made out by Mr. Zeller sent through your office?

Mr. CONOYER. Yes, sir.

The CHAIRMAN. Were they correct?

Mr. CONOYER. Yes, sir.

The CHAIRMAN. You say you never heard any reports against him?

Mr. CONOYER. No, sir.

The CHAIRMAN. Do you know Mr. Holmes?

Mr. CONOYER. I do.

The CHAIRMAN. Do you know as to his efficiency as a tagger?

Mr. CONOYER. No; he was not a tagger. He was a stock examiner.

The CHAIRMAN. You know nothing about him?

Mr. CONOYER. No, sir.

The CHAIRMAN. Do you know why it was that he was removed from office?

Mr. CONOYER. No, sir.

The CHAIRMAN. Do you know why it was that Miss Flynn was removed?

Mr. CONOYER. No, sir.

The CHAIRMAN. Did you know of charges of any kind being filed against her?

Mr. CONOYER. No, sir.

The CHAIRMAN. We shall be glad to hear any statement you wish to make to the committee. I do not know why Dr. Ayer had you subpœnaed.

Mr. CONOYER. I suppose it was with respect to Dr. White.

The CHAIRMAN. State anything with respect to Dr. White that you may know.

Mr. CONOYER. While I have been employed there, when Dr. White was called out on private business, by a patient, he always went.

The CHAIRMAN. How many times did he leave the building during office hours?

Mr. CONOYER. That I could not tell you. I kept no account, but it was often.

The CHAIRMAN. Were you so situated that you could observe his movements?

Mr. CONOYER. Yes, sir; his room is adjoining my room, and there is a door from his room into my room.

The CHAIRMAN. You say it was his custom whenever called upon by patients to make calls?

Mr. CONOYER. Yes, sir; generally.

The CHAIRMAN. Do you know anything about his efficiency as a superintendent?

Mr. CONOYER. No, sir.

The CHAIRMAN. Did you ever hear Dr. Ayer make any complaint of his inefficiency?

Mr. CONOYER. Not to me.

The CHAIRMAN. Did you hear him make it to anyone?

Mr. CONOYER. Not in regard to Dr. White. He never said anything to me in regard to Dr. White's efficiency.

The CHAIRMAN. Did you hear anyone during his incumbency say he was an incompetent man?

Mr. CONOYER. The only time I heard it was the time a carcass in which there were trichinæ was shipped to Chicago.

The CHAIRMAN. What did you hear about it?

Mr. CONOYER. The office was notified when the carcass went to Chicago without our knowing it, and very likely that carcass was shipped to Europe, and if it went to France or Germany and the carcass had been discovered it would have stopped the whole export trade of salt meat.

The CHAIRMAN. You stopped the transportation of the meat?

Mr. CONOYER. We did not stop it. We did not know it had gone. If the foreign country had discovered that meat was shipped with trichinæ in it, very likely it might have stopped the export trade.

The CHAIRMAN. It is fortunate for us that they did not make the discovery?

Mr. CONOYER. Yes, sir.

The CHAIRMAN. What disposition do you make of carcasses diseased, such as the one you refer to?

Mr. CONOYER. With trichinæ?

The CHAIRMAN. Yes.

Mr. CONOYER. I think it is put in a tank and destroyed. Mr. Schibsby is here, and he has charge of that work, and he can tell you just what is done with it.

The CHAIRMAN. You heard Mr. Murphy testify a while ago that you had authorized him to go and do political work. How often did you send those men out to whoop up the boys?

Mr. CONOYER. Since I have been there I have never sent the men out to do political work. I have no authority to excuse a man, and I never assume that authority. If a man comes into our office and wants to be excused and go away, I generally tell him—in the first place there is a standing order that if a man wants to be excused he has to be excused by the inspector in charge of the abattoir at which he is working.

The CHAIRMAN. Do I understand you to say you did not excuse Mr. Murphy?

Mr. CONOYER. No, sir.

The CHAIRMAN. Sir?

Mr. CONOYER. No, sir; I did not excuse Mr. Murphy.

The CHAIRMAN. Did you ever excuse anyone for the purpose of permitting him to engage in political work?

Mr. CONOYER. No, sir. I have no authority to excuse anyone, and I never assumed that authority. They come into the office sometimes and say they want to go up town and want me to tell Dr. Ayer. I tell them, yes, all right, I will tell Dr. Ayer they have gone away.

Mr. LAMBERT. I believe you stated that Dr. White was in the habit of attending whatever calls he received?

Mr. CONOYER. Yes, sir.

Mr. LAMBERT. Your office and Dr. White's office are situated on the floor below the microscopic room?

Mr. CONOYER. Yes, sir.

Mr. LAMBERT. What time do they begin work in the microscopic department?

Mr. CONOYER. I think at that time they commenced work at 9 o'clock.

Mr. LAMBERT. What time do they quit?

Mr. CONOYER. They work for an hour and a half and then have a recess, and then work a while and then have noon. It is different now from what it was then.

Mr. LAMBERT. During working hours Dr. White was upstairs?

Mr. CONOYER. Yes, sir.

Mr. LAMBERT. That is right?

Mr. CONOYER. Yes, sir; sometimes he was, and sometimes he was down below.

Mr. LAMBERT. Was he usually upstairs?

Mr. CONOYER. He was usually upstairs.

Mr. LAMBERT. Your office is cut off from the microscopical department by a floor and a stairway and a hall, is it not?

Mr. CONOYER. Yes, sir; but I am compelled sometimes ten or fifteen times a day——

Mr. LAMBERT. Answer my question.

Mr. CONOYER. All right; yes, sir. Now, I want to make an explanation. I am compelled sometimes to walk up in the storeroom, which is next to the microscopic room, from ten to fifteen times a day, and the doors are generally open and I can see what is going on there.

Mr. LAMBERT. Dr. White's office is just east of yours?

Mr. CONOYER. Yes, sir.

Mr. LAMBERT. You were in the office from what hour?

Mr. CONOYER. I come generally at 7.15 in the morning and stay until 5.45 in the evening.

Mr. LAMBERT. State to the committee just how much of each day Dr. White was in the habit of spending in his private office.

Mr. CONOYER. Oh, sometimes when there was no work in the microscopical room he was in the lower office nearly all the time he was there.

Mr. LAMBERT. When there was no work in the microscopical department?

Mr. CONOYER. Yes, sir.

Mr. LAMBERT. When work was going on in the microscopical department, how much of the time was Dr. White in his private office?

Mr. CONOYER. He was in his private office only during the recess, during the noon hour, and whenever he was called to come down there.

Mr. LAMBERT. Then he remained in the microscopical department throughout the time work was going on in that department? Is that right?

Mr. CONOYER. Yes, sir.

Mr. LAMBERT. Your office is connected with Dr. White's by a door in the center of the west wall?

Mr. CONOYER. Yes, sir.

Mr. LAMBERT. You have no other connection except around on the outside?

Mr. CONOYER. No, sir. Now, in explanation of that I wish to state that our door which goes into the hall is adjoining or nearly adjoining the door which Dr. White used for going out into the hall, and our door is nearly always open in the summer time. From early in the spring until late in the fall it is open and not shut. In winter time it is shut.

Mr. LAMBERT. If the door in the west wall was closed, you could not see into Dr. White's office?

Mr. CONOYER. No, sir.

Mr. LAMBERT. And you would not know what he was doing, or who was in there?

Mr. CONOYER. No, sir.

Mr. LAMBERT. Name an instance—just one instance—where Dr. White attended a call during office hours.

Mr. CONOYER. That is pretty hard to do, because I kept no track ot it. I know he attended patients right along.

Mr. LAMBERT. Can you name an instance where he attended a patient?

Mr. CONOYER. I know the time——

Mr. LAMBERT. Answer the question.

Mr. CONOYER. Yes, sir.

Mr. LAMBERT. Name it.

Mr. CONOYER. The time he went up to Frank Jelen's house.

Mr. LAMBERT. What time did he go?

Mr. CONOYER. He was not in the office. I did not see him in the office that morning. He did not come back until 4 or 5 o'clock in the afternoon.

Mr. LAMBERT. Did you follow him to Jelen's house?

Mr. CONOYER. No, sir.

Mr. LAMBERT. How do you know he went there?

Mr. CONOYER. Mr. Jelen told me.

Mr. LAMBERT. That is all you know about it?

Mr. CONOYER. Yes, sir.

Mr. LAMBERT. You do not know whether he did or did not go?

Mr. CONOYER. No, sir.

Mr. LAMBERT. Are you willing to swear that he went to attend Jelen or his family?

Mr. CONOYER. The doctor himself, I think, told that Jelen had a boy.

Mr. LAMBERT. Whom did he tell?

Mr. CONOYER. He told me.

Mr. LAMBERT. I will ask you to state whether there was work going on in the microscopical department that day.

Mr. CONOYER. That I can not tell.

Mr. LAMBERT. It might or might not have been?

Mr. CONOYER. Yes, sir.

Mr. LAMBERT. Do you know how long ago it was?

Mr. CONOYER. I did not keep the date of it.

Mr. LAMBERT. Was it two years ago?

Mr. CONOYER. I think it was about two years ago.

Mr. LAMBERT. I will ask you if you made an affidavit when Mr. Ed. Shelden was here?

Mr. CONOYER. Yes, sir.

Mr. LAMBERT. I will ask you whether or not you appended to that affidavit a statement of the dates of certain births, etc.?

Mr. CONOYER. I do not think I did.

Mr. LAMBERT. State whether you went to the city clerk of South Omaha and secured certain dates.

Mr. CONOYER. I did not.

Mr. LAMBERT. Calling your attention to your affidavit appearing on page 12 of Senate Doc. No. 155, Fifty-fourth Congress, second session, I ask you to state if you recognize the affidavit as yours, made before Edward Shelden under that date.

Mr. CONOYER (after reading affidavit). Yes, sir.

Mr. LAMBERT. I will ask you to look at the report and see if you recognize it as something you have heretofore seen.

Mr. CONOYER. Down here (indicating)?

Mr. LAMBERT. Yes.

Mr. CONOYER. I never before saw it.

Mr. LAMBERT. That is not a part of the affidavit made by you?

Mr. CONOYER. No, sir.

Mr. LAMBERT. You stated that you did not know whether work was going on at the time?

Mr. CONOYER. No, sir.

Mr. LAMBERT. That is the only instance you can remember when he attended a patient?

Mr. CONOYER. The only instance I can remember where I knew the person.

Mr. LAMBERT. You do not know whether he attended in that instance?

Mr. CONOYER. No, sir.

Mr. LAMBERT. You do not know whether he ever attended a patient during working hours?

Mr. CONOYER. I know that he attended patients. I saw him myself in the office.

Mr. LAMBERT. You saw patients in the office?

Mr. CONOYER. Yes, sir.

Mr. LAMBERT. What did he do?

Mr. CONOYER. There was one drunken fellow who broke his arm, and he came down there for about fourteen days or two weeks, and he fixed the arm there every morning.

Mr. LAMBERT. What time in the morning?

Mr. CONOYER. Some time between 8 and 10.

Mr. LAMBERT. Closer to 8 or closer to 10?

Mr. CONOYER. Sometimes closer to 8, and sometimes closer to 10.

Mr. LAMBERT. Did you keep a record of it?

Mr. CONOYER. No, sir.

Mr. LAMBERT. How do you remember it was closer to 8 one day and closer to 10 the other?

Mr. CONOYER. One time Mr. William Jacobs was in there and the doctor called him over there to help him, and Mr. Jacobs came in the room. He was sick. There are some ladies here; so I will not state what I was about to state. When he came back he said he would never go in there again.

Mr. LAMBERT. How do you recall the day; by reason of his sickness?

Mr. CONOYER. I know Mr. Jacobs was there. He generally came to work about half past 8 or 9 o'clock.

Mr. LAMBERT. Do you know whether that morning he did come down about half past 8 or 9 o'clock?

Mr. CONOYER. It was about 10 o'clock. I was through with my work. I generally get through with my work at 10 o'clock, and when he came down it was about that time.

Mr. LAMBERT. Do you know whether Dr. White had come to the microscopical room that morning?

Mr. CONOYER. I can not tell you.

Mr. LAMBERT. Work might not have been going on up there?

Mr. CONOYER. Work might not have been going on.

Mr. LAMBERT. You and Dr. Ayer and the other members of the force were interested in keeping tab on Dr. White?

Mr. CONOYER. No, sir.

Mr. LAMBERT. Not at all?

Mr. CONOYER. No, sir.

Mr. LAMBERT. Were you not interested in conveying and carrying reports to Euclid Martin and Sheean et al.?

Mr. CONOYER. No, sir.

Mr. LAMBERT. You never did so?

Mr. CONOYER. No, sir.

Mr. LAMBERT. David Rush, the clerk in your department, never did anything like that?

Mr. CONOYER. Not that I know of. He was chief clerk.

Mr. LAMBERT. He might have done so without you knowing it?

Mr. CONOYER. He might have done so without my knowing it.

Mr. LAMBERT. Did you and Dr. White ever have any trouble?

Mr. CONOYER. Not that I know of.

Mr. LAMBERT. Do you recall how much time there was when no work was being done in the microscopical department at South Omaha?

Mr. CONOYER. I could not tell you. I did not keep account of the microscopical work at all.

Mr. LAMBERT. State if it is not a fact that some ten or twelve months while you have been down there there has not been any work in that department.

Mr. CONOYER. There was some time when there was no work, but I can not tell you how long it was, or when it was.

Mr. LAMBERT. As a matter of fact, you do not know much about what is going on in the microscopical department?

Mr. CONOYER. No, sir.

Mr. LAMBERT. While you knew all about what was going on as to Dr. White's private business?

Mr. CONOYER. He was next door to me.

Mr. LAMBERT. Was not the microscopical department next door to you?

Mr. CONOYER. Upstairs.

Mr. LAMBERT. Did you not testify that you were up there ten or fifteen times a day?

Mr. CONOYER. Yes, sir. In summer, when I first went there, there was a great deal of time when there was no work—when only two or three were at work. How long that was I can not tell you.

Mr. LAMBERT. You did not notice or observe or feel it your duty to look over the reports brought in by Dr. White?

Mr. CONOYER. No, sir.

Mr. LAMBERT. How do you know that those numbers escaped from the office and that the carcass went to Chicago?

Mr. CONOYER. Mr. Schibsby came there and he told us two or three days afterwards that it escaped and went over there.

Mr. LAMBERT. That is all you know—what Schibsby said?

Mr. CONOYER. Yes, sir.

Mr. LAMBERT. Did you get a communication from the foreign countries that if the carcass had been observed there they would sever relations internationally?

Mr. CONOYER. No, sir; I did not get that information. We did not get such a communication; but I took notice that in Berlin at one time one was discovered there, and it did not originate in that country, and they stopped the exports for a long time.

Mr. LAMBERT. You took judicial notice of the fact that it would have that effect?

Mr. CONOYER. No; I did not.

Mr. DUNN. Do you say that at no time, either you for yourself or in obeying the orders of Dr. Ayer, said to any persons in the employ of the Bureau of Animal Industry at South Omaha, that they would be excused for the purpose of doing political work?

Mr. CONOYER. Repeat the question.

Mr. DUNN. Let the stenographer read the question.

The reporter read the question.

Mr. CONOYER. Yes, sir.

Mr. DUNN. Do you testify that just prior to election day in the fall of 1895, when there was in the field in Douglas County what was known as the Citizens' ticket, you did not say to James Murphy and others, "Now, you come down tomorrow morning and just report and then return to Omaha and look after election matters"?

Mr. CONOYER. No, sir; I did not.

Mr. DUNN. Did you say so to anybody?

Mr. CONOYER. No, sir; to nobody.

Mr. DUNN. Did you have such instructions from Dr. Ayer.

Mr. CONOYER. No, sir.

Mr. DUNN. Do you know whether anybody was in fact excused from work in the department that day?

Mr. CONOYER. I could not tell you without looking over the records. I have looked over the record, and as far as Zeller is concerned, I find that at abattoir No. 14——

Mr. DUNN. I am not asking you about that matter. What about the election of 1895?

Mr. CONOYER. That is the time—the 5th day of November, 1895.

Mr. DUNN. You say that nobody was excused that day?

Mr. CONOYER. I think not, unless Dr. Ayer excused them.

Mr. DUNN. Does your record show whether or not Dr. Ayer excused them?

Mr. CONOYER. Each man's time slip would show when he left work.

Mr. DUNN. Did you keep a record of the time slips?

Mr. CONOYER. They are there on file.

Mr. DUNN. Did you keep a record?

Mr. CONOYER. No, sir.

Mr. DUNN. Who did?

Mr. CONOYER. Nobody.

Mr. DUNN. Who filed them?

Mr. CONOYER. The taggers filed them when they came down in the evening.

Mr. DUNN. Did they come in and throw them down on the floor?

Mr. CONOYER. No, sir; they put them on my table.

Mr. DUNN. What did you do?

Mr. CONOYER. I made out the number of tags and stamps by each one, and the reports are put over to Mr. Rush, and Mr. Rush takes a copy of them, and that copy is sent to Washington each morning.

Mr. DUNN. Then both you and Mr. Rush had something to do with the reports turned in by the taggers, to show when they quit work?

Mr. CONOYER. Yes, sir.

Mr. DUNN. Will you now state to the committee that nobody was excused from the department on election day in 1895?

Mr. CONOYER. Not that I know of, without looking over the time slips.

Mr. DUNN. I ask you whether or not you know?

Mr. CONOYER. I do not know.

Mr. DUNN. Will you say that it was not the case?

Mr. CONOYER. Dr. Ayer may have excused them without telling me.

Mr. DUNN. Would not the time slips show that the men had been excused and were not at work?

Mr. CONOYER. The time slips would show that they left their work before the others did.

Mr. DUNN. Do you know of any time during your employment in the Bureau of Animal Industry at South Omaha, when Dr. Ayer excused any of the employees for the purpose of doing political work?

Mr. CONOYER. No, sir.

Mr. DUNN. Did you and Dr. Ayer ever talk over the matter of somebody in the employ of the department being excused to do political work?

Mr. CONOYER. The question came up a day or two days when Mr. Zeller went to Omaha. Mr. Zeller, Mr. Sherlock, and Mr. Joe Butler came into the office together. Mr. Butler went over to Dr. Ayer and he talked to Dr. Ayer, and then Mr. Sherlock and Mr. Zeller stood by

the corner of my desk and from there, after Mr. Butler was through talking, they went out of the office, and Dr. Ayer told me a day afterwards that he did not excuse Zeller.

Mr. DUNN. That he did?

Mr. CONOYER. That he did not.

Mr. DUNN. Did he say he excused the other two?

Mr. CONOYER. He did not say anything about the other two.

Mr. DUNN. The other two were excused at the same time, and left the office at the same time?

Mr. CONOYER. They all left the place together.

Mr. DUNN. Did you not know, and did not Dr. Ayer know, at 2 o'clock, when the men were in the office, that they had quit work at 2 o'clock? Had they not filed a report showing that they had quit work for the day?

Mr. CONOYER. I know that when they were in there they filed their reports with me.

Mr. DUNN. Did you not know at that time that they had quit work for the day.

Mr. CONOYER. I knew they had quit work for the day.

Mr. DUNN. Did you know why they had quit work—for what purpose?

Mr. CONOYER. I imagined what they went up there for.

Mr. DUNN. Did you know why they quit work that day?

Mr. CONOYER. I think I did.

Mr. DUNN. You knew they had quit work, and that they were on their way to attend the Democratic central committee meeting for the purpose of aiding that committee to send delegates to Lincoln to represent the political opinions of J. Sterling Morton and Euclid Martin in the convention?

Mr. CONOYER. I did not know whom they represented—Euclid Martin or J. Sterling Morton.

Mr. DUNN. Did you not know that they were going there to aid what was known as the Cleveland Democracy in sending delegates from this county to the State convention?

Mr. CONOYER. I do not know what their purpose was in going there. I know they went to the county central committee meeting. What their object was I do not know.

Mr. DUNN. Did not Dr. Ayer know that?

Mr. CONOYER. I can not tell you what he knows.

Mr. DUNN. Was he there at the time?

Mr. CONOYER. He was in the office at the time when Butler, Zeller, and Sherlock came in. He was talking to Joe Butler.

Mr. DUNN. They had filed their report in his presence?

Mr. CONOYER. They had filed their report and gone away.

Mr. DUNN. Did he inquire as to where they were going, and what they were going to do?

Mr. CONOYER. He did not, that I heard.

Mr. DUNN. Did he make any objections to their going?

Mr. CONOYER. He did not at that time.

Mr. DUNN. Did he at any time?

Mr. CONOYER. Not that I know of.

Mr. DUNN. Did you?

Mr. CONOYER. I had no objection to make.

Mr. DUNN. Did Dr. Ayer at that time or at any other time say to you that the two other men had not been excused?

Mr. CONOYER. He told me the day after that he did not excuse Zeller.

Mr. DUNN. He did not say anything about it when Zeller was there?

Mr. CONOYER. No, sir; Zeller went right out.

Mr. DUNN. Was that the only time, so far as you know, that any politics was mixed up with the operations of the department?

Mr. CONOYER. I know that Dr. Ayer gave instructions. George Smith and Jacob Burkhard, both of whom worked there, wanted to be excused to go to a political meeting, and he told them that he would excuse no man to go to a political meeting. If they wanted to be excused to go up and saw wood or anything of that kind he would excuse them.

Mr. DUNN. Did Dr. Ayer know that those two men asking to be excused were representing the ideas of the Administration in politics?

Mr. CONOYER. I do not know anything of the kind.

Mr. DUNN. Was it not because he did not know that they were about to go out and do service in the cause of the Administration in politics that he refused to excuse them?

Mr. CONOYER. I can not tell what the thought of Dr. Ayer was at that time.

Mr. DUNN. Was any complaint made or filed in your office or the office of Don C. Ayer at that time, or any notation made of the fact that Mr. Zeller had quit work and gone up town without being excused?

Mr. CONOYER. There was not.

Mr. DUNN. Is it not a fact that Mr. Ayer received letters at different times upon political matters from Mr. Sheean or Mr. Martin or Mr. McHugh, and is it not true that he used to talk politics over the telephone with Mr. Martin?

Mr. CONOYER. If he received any letters he never showed them to me.

Mr. DUNN. How about talking over the telephone? Did you ever hear him?

Mr. CONOYER. I did not hear him talk over the telephone.

Mr. DUNN. You have taken no interest in politics of any kind during the time you have been employed in the department, other than to go and vote?

Mr. CONOYER. Yes, I took some considerable interest.

Mr. DUNN. Did that consist in talking politics continuously during the last campaign in office hours?

Mr. CONOYER. I never saw a man in office. After a man went to work I never saw him until after his work was through. I never saw a man at work, and the only time I saw him was before he went to work and after he was through.

Mr. DUNN. Did you not every morning bring up the question of politics and refer to something in the papers?

Mr. CONOYER. Perhaps we talked about what was in the papers.

Mr. DUNN. Did you not talk politics with the men? When you got an opportunity in the office, did you not express yourself first on one side and then on the other as to the national issues?

Mr. CONOYER. Define yourself. What do you mean by "politics?"

Mr. DUNN. Talk about national issues—talk about whether Bryan or McKinley or Palmer and Buckner would be elected, and as to which one stood the best chance?

Mr. CONOYER. I do not know. I did not argue any questions with them. I did not try to convince them, either one way or the other.

Mr. DUNN. I ask you whether you brought up the question of politics and engaged in political discussions in the office when the men would report at different times?

Mr. CONOYER. We talked over occurrences that were reported in the newspapers, but we never argued the question, either one way or the other.

Mr. DUNN. Is it not a fact that you used to visit Mr. Euclid Martin at different times Sunday mornings and talk over the political situation and how things were going during the campaign of 1896?

Mr. CONOYER. Yes, sir.

Mr. DUNN. During all that time Mr. Martin never said anything to you about what he would be pleased to see the employees of the department do in the way of politics?

Mr. CONOYER. Not to me.

Mr. DUNN. I am asking you what he said to you?

Mr. CONOYER. No, sir.

Mr. DUNN. Did he say so to anybody else that you know of?

Mr. CONOYER. Not that I know of.

Mr. DUNN. The politics of the employees of the department, you say, was never mentioned by Mr. Martin to you during the entire campaign?

Mr. CONOYER. No, sir.

Mr. DUNN. Did you hear the testimony of Mr. Martin when he was examined before the commissioner who was sent here by the Civil Service Commission from Washington?

Mr. CONOYER. I never heard it and never saw it.

Mr. DUNN. How many other clerks are there in the department at South Omaha, where you are?

Mr. CONOYER. One more.

Mr. DUNN. You generally get through your work at 10 o'clock in the morning?

Mr. CONOYER. I go to work at 7.15 and go away at 5.45.

Mr. DUNN. You testified that you got through your work at 10 o'clock.

Mr. CONOYER. I am through with my morning work, making out the reports, about 10 o'clock in the morning.

Mr. DUNN. What else do you do?

Mr. CONOYER. Work on the work that was done at the different abattoirs the day before, which comes to us.

Mr. DUNN. What did you do until that time?

Mr. CONOYER. Prepare myself for the work the next morning.

Mr. DUNN. How do you mean—go out and walk around the block?

Mr. CONOYER. I did not do that. You might have called it——

Mr. DUNN. What did you do?

Mr. CONOYER. Take down the tags, get out the seals, get the stamps ready, get my reports ready for the monthly statement which I had to make up. That keeps my time employed until about 2 o'clock in the afternoon, and at 2 o'clock in the afternoon the men begin to come in again and I have to make out their work for the next morning.

Mr. DUNN. Do you know what work Mr. Jacob Burkhard was doing at South Omaha on or about the 11th of April, 1896?

Mr. CONOYER. Yes, sir.

Mr. DUNN. What was he doing?

Mr. CONOYER. He was at that time in charge of the stamps that were put on salt beef and salt pork.

Mr. DUNN. What was that work? Was it connected with the work of tagging?

Mr. CONOYER. Not at that time.

Mr. DUNN. So that a man working at the work on which Mr. Burkhard was engaged might quit a great deal earlier, or might work considerably longer, than a man who was tagging?

Mr. CONOYER. Sometimes they worked a longer and sometimes a shorter time. It depended upon the number of tags to be put on and the number of stamps.

Mr. DUNN. What was Mr. Kostal doing at that time?

Mr. CONOYER. He was a tagger and was sealing cars.

Mr. DUNN. What do you mean by sealing cars?

Mr. CONOYER. I mean that every piece of meat that is shipped out of the stock yards that is not stamped or tagged, or that is tagged and not stamped, put in boxes and shipped to another abattoir, is sealed, and the abattoir notified that such and such a car went away from here. That meat is not unloaded at the other abattoir until the inspector sends his men there to unload it.

Mr. DUNN. So that it might be necessary for the man who did the sealing to stay at the house an hour or two after the taggers had finished their work?

Mr. CONOYER. Yes, sir.

Mr. DUNN. That was very often the case, was it not?

Mr. CONOYER. Yes, sir.

Mr. DUNN. So in reporting to the department the work that was done by the taggers and the length of time they worked, you would have to separate the work done by Mr. Kostal and Mr. Burkhard from the work done by the other taggers; you could not report in one general report the work done by the different men?

Mr. CONOYER. Kostal sometimes came in with the taggers and sometimes he came in later.

Mr. DUNN. When you made your affidavit or answered questions at the time Mr. Shelden was here from Washington taking testimony, did you make that statement from an examination of the records on file in the office?

Mr. CONOYER. Which statement?

Mr. DUNN. The statement you made to Mr. Shelden regarding Zeller and others?

Mr. CONOYER. I made it from my own personal knowledge and from what Dr. Ayer had told me. Mr. Zeller's record was attached to the affidavit.

Mr. DUNN. In making the affidavit why did you state to the Department the time when Mr. Burkhard and Mr. Kostal quit work on that day? For the purpose of showing that the work Mr. Zeller was doing was not completed when he quit work?

Mr. CONOYER. You are a lawyer. When a question is asked you, you answer the question. I was asked a certain question, and I gave an answer.

Mr. DUNN. Did you not know at the time that Mr. Shelden was conducting the examination for the purpose of determining whether Mr. Zeller, without being excused, had on that day quit work before the work was through, and thereby neglected his duties?

Mr. CONOYER. I thought that was his object.

Mr. DUNN. Do you not know that it was his object?

Mr. CONOYER. I think that was his object.

Mr. DUNN. I am asking you whether you know that it was his object?

Mr. CONOYER. I do not know what his object was, but I think it was his object.

Mr. DUNN. Did you not know that by stating that Mr. Burkhard had quit work after Mr. Zeller quit work, and that Mr. Kostal had quit work afterwards, without explaining that they were engaged in a dif-

ferent line of work, it would deceive the Department as to whether or not Mr. Zeller quit work before the proper time?

Mr. CONOYER. I did not know whether it would deceive the Department or not. I was asked the question and I gave the answer.

Mr. DUNN. You say you answered because you were asked a question?

Mr. CONOYER. Yes, sir.

Mr. DUNN. I will ask you to examine the affidavit or statement made by you. Is this it (exhibiting)?

Mr. CONOYER (after reading). Yes, sir.

Mr. DUNN. Point out to the committee the question wherein you are asked to give the time that Kostal and Burkhard quit work.

Mr. CONOYER. Very well.

"Q. At what time did Dr. Schirmer report as being through his post-mortem work on that day?—A. At 3.15 p. m., and the stock examiner at 3.30 p. m., and Mr. Burkard and Mr. Kostal, taggers, at 4.30 p. m."

Mr. DUNN. Read the question wherein you are asked to give the time Mr. Kostal quit work?

Mr. CONOYER. The question was put, but it was not in the affidavit as afterwards written out by Mr. Rush.

Mr. DUNN. Do you mean to say that this is a garbled statement of the questions asked and of the answers?

Mr. CONOYER. The question was asked and I gave the answer.

Mr. DUNN. Were you asked a question as to what time Mr. Kostal and Mr. Burkhard quit work that day?

Mr. CONOYER. I was asked what time Dr. Schirmer and Mr. Burkhard and Mr. Kostal quit work that day.

Mr. DUNN. You were asked that question?

Mr. CONOYER. Yes, sir.

Mr. DUNN. Are you certain?

Mr. CONOYER. Yes, sir.

Mr. DUNN. Can you explain why it was not put in among the questions?

Mr. CONOYER. No, sir.

Mr. DUNN. Then you say that record is not a true one of the evidence taken there?

Mr. CONOYER. As far as the answer is in, it is correct, but so far as the question is concerned it is incomplete.

Mr. DUNN. Why did you not explain or state that Mr. Zeller was engaged in a different line of work?

Mr. CONOYER. I was not asked that question.

Mr. DUNN. Did you not know that, as a matter of fairness and as a way of conveying the facts to the commissioner, you ought to have made that statement?

Mr. CONOYER. I was asked a question and I answered the question.

Mr. DUNN. Did you not know that the answer was deceptive and would deceive the Department?

Mr. CONOYER. I was asked the question and I answered it.

Mr. DUNN. You knew that their work was a different line of work, and that the fact that they quit after Mr. Zeller would not be any indication that Mr. Zeller had quit before the proper time?

Mr. CONOYER. No, sir; Mr. Schirmer was only through at 3.15, and it takes a half hour, he states, to tag after he gets through.

Mr. DUNN. Mr. Sherlock and Mr. Butler were the two other taggers engaged in the department with Mr. Zeller?

Mr. CONOYER. Yes, sir.

Mr. DUNN. Why did you not tell the time at which they quit?

Mr. CONOYER. I was not asked the question.

Mr. DUNN. You say you were not asked the question?

Mr. CONOYER. No, sir.

Mr. DUNN. Is it not possible that you were asked that question and that it has been left out by Mr. Shelden?

Mr. CONOYER. I was not asked the question. My memory is pretty good.

Mr. DUNN. You knew that Mr. Sherlock and Mr. Butler were the other two taggers there employed, and that they had quit and turned in their time with Mr. Zeller?

Mr. CONOYER. They all three came in together. Mr. Butler went over to Dr. Ayer and talked with Dr. Ayer. Mr. Zeller and Mr. Sherlock——

Mr. DUNN. You have gone over that. Do you know——

Mr. CONOYER. You are going over the same thing three or four times.

Mr. DUNN. I guess you will answer the question.

Mr. CONOYER. Yes, sir; I will.

Mr. DUNN. Do you know why Mr. Shelden did not make any inquiries or furnish the Department with any information as to what time Mr. Butler and Mr. Sherlock quit work that day?

Mr. CONOYER. No, sir.

Mr. DUNN. Can you state to the committee now that it was the purpose and intention of Mr. Shelden to suppress part of the testimony given by witnesses in that examination?

Mr. CONOYER. I can not say anything of the kind.

Mr. DUNN. You have no idea why he suppressed a part of the questions asked you?

Mr. CONOYER. No, sir. When I am asked a question I answer it.

Mr. DUNN. Were the reports that were sent to Washington looked over by you and mailed by you?

Mr. CONOYER. Not mailed by me.

Mr. DUNN. They were looked over by you? You know about all the reports sent to Washington?

Mr. CONOYER. No, sir.

Mr. DUNN. Do you know whether or not the fact of Mr. Zeller being absent was ever reported to the Department?

Mr. CONOYER. I can not tell you. Mr. Rush makes out that report, and Mr. Rush sends it to Washington.

Mr. DUNN. This statement was made about six months after Mr. Zeller was discharged from the department?

Mr. CONOYER. Yes, sir.

Mr. DUNN. Mr. Shelden was there for the purpose of gathering testimony to uphold and justify the discharge, was he not?

Mr. CONOYER. I do not know for what purpose he was there. He was sent there by the Department.

I wish to state that at the time when Mr. Murphy stated that I excused him I had very little confidence in or anything to do with James Murphy, because Mr. James Murphy was under the influence of liquor one-fourth of the time while he was working there at that time. I will take cross-examination on that statement.

Mr. DUNN. Your are getting in a little of your spite-work now?

Mr. CONOYER. Yes, sir.

Mr. DUNN. Have you ever seen James Murphy under the influence of liquor since the office went into the classified service?

Mr. CONOYER. Yes, sir.

Mr. DUNN. You have?

Mr. CONOYER. Yes, sir.

Mr. DUNN. When?

Mr. CONOYER. At different times. You can find by the records where Mr. James Murphy reported in the morning and then got drunk and did not go back in the evening. You will find on the record in red ink "no report."

Mr. DUNN. You knew that he had got drunk and that was the reason why he did not make a report?

Mr. CONOYER. Yes, sir.

Mr. DUNN. Did you see him drink?

Mr. CONOYER. Yes, sir; I saw him.

Mr. DUNN. How often?

Mr. CONOYER. I do not know how often, but I saw him drunk.

Mr. DUNN. You say your record shows that James Murphy was drunk when he was in the classified service?

Mr. CONOYER. The record does not show it, and I did not say anything of the kind. The record shows when a man comes in there in the morning and reports and never comes back in the evening to report back.

Mr. DUNN. Do you mean to say that you did not just state under oath that your record shows that he came there in the morning and got drunk, and the record then shows in red ink "no report."

Mr. CONOYER. I told you ——

Mr. DUNN. Answer the question. Did you or did you not make that statement?

Mr. CONOYER. I did not. I said that when a man reported in the morning, and got drunk and did not come back to make a report in the evening it was put on in red ink "no report."

Mr. DUNN. Suppose he did not come back to make a report and was not drunk; would the statement be "no report" in red ink?

Mr. CONOYER. No, sir.

Mr. DUNN. Would you write it in green ink?

Mr. CONOYER. No, sir; in red ink.

Mr. DUNN. Does the fact that you have written across the record "no report" prove that he was drunk?

Mr. CONOYER. I saw him drunk.

Mr. DUNN. Is the record that no report was filed any evidence that the person against whom it was written was drunk?

Mr. CONOYER. No, not exactly so; but when a man is sober——

Mr. DUNN. Answer the question. Then your record does not show that Mr. Murphy was drunk?

Mr. CONOYER. It shows nothing of the kind.

Mr. DUNN. It is your personal statement that he has been drunk since 1895, when the office went into the classifield service.

Mr. CONOYER. Yes, sir.

Mr. DUNN. When did you see him drunk?

Mr. CONOYER. I often saw him drunk.

The CHAIRMAN. I do not think that is material. Mr. Murphy can be heard about that point.

Mr. DUNN. In your examination before Mr. Huston were not you asked this question: "Do your reports show any complaint of the people discharged being tardy or absent without leave at any time; would the record show it?" And did you not answer, "No, sir?"

Mr. CONOYER. It does not show it.

Mr. DUNN. Were you not asked this question: "You have nothing

to show inefficiency along the line of being absent or tardy or punctuality?" And was not your answer, "No, sir?"

Mr. CONOYER. Yes, sir; I answer the same question again now.

Mr. DUNN. Do you know whether Mr. Murphy was drunk oftener before the office went under the classified service than afterwards?

Mr. CONOYER. I was there only fifteen days before it went into the classified service, and at that time Mr. Murphy for a part of the time was attending the grand jury, but in July it went into the classified service. I saw him on duty drunk after it went into the classified service.

Mr. DUNN. Do you know what time the rating was made? Was it after the office went into the classified service?

Mr. CONOYER. I do not know what time the rating was made.

Mr. DUNN. Do you know whether it was made in 1896?

Mr. CONOYER. I think it was made at that time.

Mr. DUNN. Do you know how Mr. Murphy was given a rating of 100 if he was drunk one fourth of the time?

Mr. CONOYER. I think you are mistaken.

Mr. DUNN. About the rating?

Mr. CONOYER. Yes, sir.

Mr. DUNN. Do you know what the rating was?

Mr. CONOYER. I do not, but I know it was not a hundred; I do not think it was a hundred.

Mr. DUNN. Upon what do you base your thinking, if you do not know?

Mr. CONOYER. Dr. Ayer made the rating and Mr. Rush——

Mr. DUNN. Did you not testify a moment ago that you did not know who made the rating?

Mr. CONOYER. I did not testify to anything of the kind.

Mr. DUNN. Do you not know who made the rating?

Mr. CONOYER. Mr. Ayer.

The CHAIRMAN. Do you know this of your own personal knowledge?

Mr. CONOYER. Dr. Ayer made the rating, and he gave it to Mr. Rush, who afterwards put it in typewriting.

The CHAIRMAN. Do you know of your own personal knowledge this man's rating?

Mr. CONOYER. No, sir.

Mr. DUNN. How long was he kept in the department after it went into the classified service?

Mr. CONOYER. He was kept there until he was suspended.

Mr. DUNN. Did your department ever make any complaint on account of his being drunk and filing no report and neglecting his duties?

Mr. CONOYER. I think there was some complaint filed there. There were six or eight notices sent there from Secretary Morton to each one, that if they did not stop drinking they would be discharged.

At 12 o'clock and 45 minutes p. m. the subcommittee took a recess until 2.30 o'clock p. m.

AFTER RECESS.

At the expiration of the recess the committee resumed its session.

TESTIMONY OF CHARLES CONOYER—Continued.

Mr. CONOYER. I wish to put in evidence a copy of a letter of December 2, 1896, mailed by Dr. D. E. Salmon, chief of the Bureau of Animal Industry, Washington, D. C., to Dr. Don C. Ayer.

The CHAIRMAN. For what purpose?

Mr. CONOYER. To substantiate the testimony I gave this morning in regard to Mr. Murphy.

The letter referred to is as follows:

U. S. DEPARTMENT OF AGRICULTURE,
BUREAU OF ANIMAL INDUSTRY,
Washington, D. C., December 2, 1896.

Dr. DON C. AYER,
Over Packers' National Bank, S. Omaha, Neb.:

DEAR SIR: I herewith enclose for your information copy of a letter from the Secretary of Agriculture this day transmitted to Joseph Butler, Patrick Butler, Thomas Leddy, James D. Murphy, Richard Nochols, and Peter W. Sherlock. I hope the gentlemen named will carefully observe the warning given them, and in the future conduct themselves so as to, in all respects, satisfactorily discharge their official duties.

Very truly, yours,

D. E. SALMON, *Chief of Bureau.*

U. S. DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D. C., December 2, 1897.

Subject: Deportment.

PATRICK BUTLER,
C/o Dr. Don C. Ayer, So. Omaha, Nebr.

SIR: I have been informed that you are addicted to the use of stimulants, often using them to excess, thus damaging your general record for efficiency in the service of the Bureau of Animal Industry. I have caused the charge to be investigated and find that it is confirmed by the evidence. The entire force of this Department is maintained on the merit system, and I can not consistently tolerate the excessive use of stimulants at any time by any of the employees. I ask your serious attention to this matter, as in case a repetition of the offense is brought to my attention it will be necessary for me to order your dismissal.

Very respectfully,

_____ _____,
Secretary.

Mr. CONOYER. I also wish to present the time slip of November 5, 1895, which shows that Mr. James Murphy did not report for duty that day and that he was marked absent for the day.

Mr. DUNN. What day?

Mr. CONOYER. November 5, 1895.

Mr. DUNN. Does your book show it?

Mr. CONOYER. The book shows that he was absent and in my writing that he did not report.

Mr. DUNN. The book shows that he did not report?

Mr. CONOYER. The book shows that he was reported absent, and the time slip shows that he did not report that day.

Mr. DUNN. The fact is, he did not show up at the department at all on that day?

Mr. CONOYER. No, sir.

Mr. DUNN. You have a record in the book of the attendance of the different employees?

Mr. CONOYER. That is for the full day.

Mr. DUNN. Is it not a fact that it frequently occurs that some of the employees of the department are absent all day on account of sickness or are excused, or something of that kind?

Mr. CONOYER. Yes, sir.

Mr. DUNN. Was Mr. Murphy absent from duty more frequently than some other employees of the office, other than those named in the letter you have introduced?

Mr. CONOYER. I guess not.

Mr. DUNN. Are you prepared to say that Mr. Murphy's absence from the office or from the department on the 5th day of November, 1895, was due to indulging in intoxicating liquors?

Mr. CONOYER. I could not tell.

Mr. DUNN. You do not know anything about it?

Mr. CONOYER. No, sir.

Mr. DUNN. The book shows what other days he was absent during that time?

Mr. CONOYER. Yes, sir.

Mr. DUNN. How many days from November 5 to the present time does it show that he was absent?

Mr. CONOYER. It shows that he was absent four days in November of that year.

Mr. DUNN. 1895?

Mr. CONOYER. November, 1895.

Mr. DUNN. That is the month in which the election was held?

Mr. CONOYER. Yes, sir.

Mr. DUNN. What days were they, as shown by the book?

Mr. CONOYER. The 5th, the 12th, the 13th, and the 14th.

Mr. DUNN. Why was he absent on those days, if you know?

Mr. CONOYER. I can not tell you.

Mr. DUNN. Did you see him drunk or under the influence of liquor on those days?

Mr. CONOYER. I can not tell.

Mr. DUNN. Did the department receive any report that he was under the influence of liquor?

Mr. CONOYER. I do not know.

Mr. DUNN. How many more men were absent from the department in November?

Mr. CONOYER. Joseph Butler, three days.

Mr. DUNN. P. J. King?

Mr. CONOYER. He was sick, absent the whole month—no; two days.

Mr. DUNN. Who else?

Mr. CONOYER. K. Merrill.

Mr. DUNN. What was his business?

Mr. CONOYER. Stock examiner.

Mr. DUNN. How many days was he absent?

Mr. CONOYER. One day. He went out to Columbus.

Mr. DUNN. Who else was absent?

Mr. CONOYER. Patrick Butler.

Mr. DUNN. What for?

Mr. CONOYER. I can not tell you.

Mr. DUNN. Is he still in the employ of the department?

Mr. CONOYER. Yes, sir. He was sick in bed.

Mr. DUNN. During the year 1896 how many days was Mr. Murphy absent?

Mr. CONOYER. I could not tell you without going over the record.

Mr. DUNN. Have you the record here?

Mr. CONOYER. I have part of the record for 1896. This part of the record stops in February, 1896.

Mr. DUNN. Have you the record during the last year of his work in the department?

Mr. CONOYER. Yes, sir; it is in South Omaha.

Mr. DUNN. Can you say how often he was absent, if at all, during the last year?

Mr. CONOYER. I could not tell you without looking at the record.

Mr. DUNN. Do you know whether he was absent a single day?

Mr. CONOYER. I can not tell you.

Mr. DUNN. Will you say that from November 5, 1895, you ever saw James Murphy under the influence of liquor or ever knew of his drinking any.

Mr. CONOYER. From when?

Mr. DUNN. From November 5, 1895, to the time he was discharged.

Mr. CONOYER. I saw him before November, 1895. I often saw him.

Mr. DUNN. The rating of Mr. Murphy was made sometime after November 5, 1895, the day you speak of his being absent?

Mr. CONOYER. Yes, sir.

TESTIMONY OF DAVID S. PARKHURST.

DAVID S. PARKHURST, being duly sworn, testified as follows:

Mr. LAMBERT. Where do you reside?

Mr. PARKHURST. South Omaha.

Mr. LAMBERT. What is your business?

Mr. PARKHURST. I am in the live-stock commission business.

Mr. LAMBERT. At South Omaha?

Mr. PARKHURST. Yes, sir.

Mr. LAMBERT. Are you a member of the Live Stock Exchange in South Omaha?

Mr. PARKHURST. Yes, sir.

Mr. LAMBERT. How long have you been a member of that organization?

Mr. PARKHURST. About ten years, I think.

Mr. LAMBERT. Have you ever held any official position in the exchange?

Mr. PARKHURST. Yes, sir.

Mr. LAMBERT. What was that position?

Mr. PARKHURST. President of the exchange for two years.

Mr. LAMBERT. Are you acquainted with Dr. Don C. Ayer?

Mr. PARKHURST. Yes, sir.

Mr. LAMBERT. With Henry Beal?

Mr. PARKHURST. Yes, sir.

Mr. LAMBERT. With D. J. Campbell?

Mr. PARKHURST. Yes, sir.

Mr. LAMBERT. I will ask you to state if at any time your exchange, at one of its meetings, received the report of a committee that it appointed, and if it acted upon that report, with reference to Dr. Ayer?

Mr. PARKHURST. It did.

Mr. LAMBERT. Have you the report of the committee with you?

Mr. PARKHURST. I have the report of the board of directors made on the strength of the report of the committee.

The CHAIRMAN. Let me see it.

Mr. PARKHURST. Here it is.

The CHAIRMAN (after examining the report). The report is predicated on the report made to the exchange by the committee?

Mr. PARKHURST. Yes, sir. Here is the communication which was sent to the Secretary of Agriculture and also the resolution passed by the exchange:

At a meeting of the exchange, held on August 2, 1897, the following resolution was adopted.

On motion duly seconded, the report of the committee as follows was adopted, and the secretary was instructed to mail a copy to James Wilson, Secretary of Agriculture.

A. L. LOTT, *Secretary.*

SOUTH OMAHA LIVE STOCK EXCHANGE,
South Omaha, Nebr., August 2, 1897.

JAS. WILSON, *Secretary Agriculture, Washington, D. C.:*

DEAR SIR: Since the adoption of the present system of inspection of live stock, a system which we do not desire to oppose, we have been afflicted with a set of appointees which appeared to us to have been placed here through political influence, as a reward for political service and not for their capabilities. We feel justified in asserting that we believe them to be incompetent and unworthy, oftentimes exceeding their authority, actuated by vindictive motives rather than the good of the service and patrons of this market. We refer more particularly to Dr. Don C. Ayer. So many and so frequent complaints coming to the knowledge of this exchange, the board of directors finally decided to call your attention to the matter, fully believing your manifest interest in the live-stock industry will prompt you to give this the careful consideration and investigation which they have become convinced the situation demands.

Any information in justification of this request, or evidence tending to confirm our convictions, will be cheerfully furnished by the exchange.

A. L. LOTT, *Secretary.*

The above is a true copy of the communication mailed Hon. James Wilson, Secretary of Agriculture.

A. L. LOTT, *Secretary.*

The resolution is simply an indorsement of the committee's report.

Mr. LAMBERT. Are you acquainted with Dr. Don C. Ayer's general reputation in and about the Live Stock Exchange at South Omaha with reference to his competency and ability to discharge the duties with which he is charged?

Mr. PARKHURST. I think the Live Stock Exchange show by their action through their committee and also by the unanimous vote indorsing the committee that they were not very favorably impressed with Mr. Ayer's competency. I say that because of the fact that the report of the committee was the reverse, and also the adoption of the report.

The CHAIRMAN. Do you yourself know anything of Ayer's efficiency as an officer?

Mr. PARKHURST. So far as my own knowledge is concerned, I do not know much about it.

The CHAIRMAN. What is his general reputation?

Mr. PARKHURST. That he is not a competent man.

Mr. LAMBERT. Are you acquainted with the general reputation at the exchange of Mr. Beal?

Mr. PARKHURST. Yes, sir.

Mr. LAMBERT. State what it is.

Mr. PARKHURST. Mr. Beal was considered a competent man by the exchange.

Mr. LAMBERT. By the commission men?

Mr. PARKHURST. By the commission men, generally.

Mr. LAMBERT. Are you acquainted with the reputation of Mr. Campbell?

Mr. PARKHURST. Yes, sir.

Mr. LAMBERT. State what it is.

Mr. PARKHURST. I never heard any fault found with Mr. Campbell.

Mr. LAMBERT. It was good, then?

Mr. PARKHURST. Yes, sir.

Mr. LAMBERT. Are you acquainted with the reputation of Mr. George Guy?

Mr. PARKHURST. I do not know anything about Mr. Guy. I think he was connected with the slaughterhouse, and did not come in contact with our business at all.

Mr. LAMBERT. You are acquainted with the general work of the Bureau of Animal Industry in the stock yards at South Omaha?

Mr. PARKHURST. Yes, sir.

Mr. LAMBERT. Do you know of any defects in its workings at that place?

Mr. PARKHURST. I think I do.

Mr. LAMBERT. Will you state, as briefly as you can, what they are?

Mr. PARKHURST. There are quite a number of inspectors who are placed at the different scales—I do not know how many at each; one or two—and those men seem to be there for no particular purpose, so far as I can see. They are supposed to pass on the stock, everything, as it is weighed; but the buyers oftentimes, if a question arises between the buyer and the seller as to the fitness of the stock for food, agree upon weighing it subject to inspection at the house. These men oftentimes tag the stock, mark it, so that it is known when it goes to the house as being subject, and when it goes to the house it goes under protest, because somebody has already placed a bar to its qualifications as being fit for human food. It seems to us that any disagreement that might come up between the buyer and the seller as to the stock being fit for food could be arranged and the stock could be weighed subject to inspection at the slaughterhouses, and thus do away with all the force in the yard.

Mr. LAMBERT. Does the force in the yard serve any useful purpose at all?

Mr. PARKHURST. I can not understand what benefit it is to us.

The CHAIRMAN. How many parties do you think could be dispensed with?

Mr. PARKHURST. In the cattle department quite a number. I do not know so much about any other department. I am not in it. My partner manages that part of it. In fact, I never went to the point of finding out how many there are at the different scales, but there are quite a number there that do not seem to be of any service; this matter might be settled at the slaughterhouse and the Government save that expense and annoyance.

I had an instance the other day. I sold a bunch of cattle to Mr.

Cudahy's man. In the bunch there were two thin cows. We call them canners or feeders. Mr. Cudahy's man bid me 2 cents a pound for those two cows in connection with the other stock that he was buying. I told him I could not sell him those two cows from the fact that the feeders had offered me for one of them 2¼ and 2 for the other. He said, "Well, I bought the others; I will buy them at the price." There was nothing said about the inspection of those cows or going subject. They went to the scales and were weighed, and after being weighed they were tagged. They went to the slaughterhouse and one of those cows was condemned. The result was the cow was lost.

It does not seem to me that that was justice to us. Mr. Cudahy's man says he is satisfied it was not justice. We went to the inspector and he claimed that he had notified us that the cow must go subject, but he had not, to a certainty.

The CHAIRMAN. You think your loss in that instance was due to the inefficiency of the force?

Mr. PARKHURST. Yes, sir; I think so.

Mr. LAMBERT. If he had condemned it at the scales you would not have suffered that loss?

Mr. PARKHURST. No, sir. We had paid the customer for the cattle, and we had to stand the loss.

On the same day I had a whole carload of canning stuff. Mr. Cudahy's buyer desired that I should have five of them subject. I said, I will weigh all of them subject. The man at the scales is employed there to do his business; he must do it. I said, "We will find out whether he is doing business here or not on this load of stuff; there will be no foolishness about it." Mr. Cudahy's man says, "You are certainly right; I do not know what they are here for if not to decide." So the cows were weighed and passed, and they were equally as thin as this one; but they passed all of them.

TESTIMONY OF FRANK JELEN, JR.

FRANK JELEN, JR., being duly sworn, testified as follows:

Mr. LAMBERT. What is your business?

Mr. JELEN. Stock examiner in the Department of Agriculture.

Mr. LAMBERT. At this time?

Mr. JELEN. Yes, sir.

Mr. LAMBERT. How long have you been there?

Mr. JELEN. About two years or two years and a half.

Mr. LAMBERT. State whether or not you made an affidavit before one Ed. Shelden, when he was at the Bureau of Animal Industry at South Omaha.

Mr. JELEN. I did.

Mr. LAMBERT. State whether or not you volunteered to make the affidavit.

Mr. JELEN. I did not volunteer.

Mr. LAMBERT. State in full how it was obtained.

Mr. JELEN. I was requested by Mr. Shelden and Dr. Ayer to make the affidavit.

Mr. LAMBERT. What was said to you by Mr. Shelden and Dr. Ayer?

Mr. JELEN. I do not remember the exact words.

Mr. LAMBERT. Give it substantially as nearly as you can.

Mr. JELEN. It was stated to me that the Secretary desired me to make the affidavit.

Mr. LAMBERT. Were you given to understand by Mr. Shelden or Dr. Ayer that the Administration would remain in power some time longer, and it would be to your interest to do so?

Mr. JELEN. I can not recall anything of that kind.

Mr. LAMBERT. You can not at this time recall it?

Mr. JELEN. No; it was quite a long conversation, and I can not recall that.

Mr. LAMBERT. Do you recall a conversation with Dr. White since the making of the affidavit, wherein you stated to him that you were given to understand by Mr. Shelden and Dr. Ayer that the Administration would continue some six months, and that it would be to your interest to make the affidavit?

Mr. JELEN. I might have stated to Dr. White that I thought that was the case; I do not think I said that they had stated anything of that kind to me.

The CHAIRMAN. You adhere to the affidavit you made; it is correct?

Mr. JELEN. Those are the facts.

Mr. DUNN. During the last campaign were you ever requested by letter to call upon Euclid Martin at the post-office?

Mr. JELEN. I was requested to call there. I do not remember whether it was by letter or personally.

Mr. DUNN. Did you go there?

Mr. JELEN. I did.

Mr. DUNN. What did Mr. Martin say he wanted you to do in a political way?

Mr. JELEN. He wished me to do some political work in favor of Palmer and Buckner.

Mr. DUNN. Did you quit work at any time for the purpose of doing political work, either on election day or at any other time, at the request of Dr. Ayer or any other member of the department?

Mr. JELEN. Since when?

Mr. DUNN. I ask you whether or not last fall, during the campaign, on election day, or at any other time you were excused by the department to go out and do political work?

Mr. JELEN. I was not, last fall.

Mr. DUNN. Were you the fall before—in 1895?

Mr. JELEN. I can not recall that I was.

Mr. DUNN. Can you say whether or not you have ever been excused from work and have done political work?

Mr. JELEN. I have.

Mr. DUNN. What time was it—during the Citizens' campaign in Omaha?

Mr. JELEN. It was. I had been excused before that, but I do not know whether I was at that time. I can not remember.

Mr. DUNN. By whom were you excused, whenever it was?

Mr. JELEN. I was excused by the inspector in charge.

Mr. DUNN. Who is that?

Mr. JELEN. Whoever I was working under.

Mr. DUNN. Do you remember who it was?

Mr. JELEN. I was working under Dr. Ayer and Dr. Schirmer.

Mr. DUNN. Was Dr. Ayer chief of the bureau at the time you refer to?

Mr. JELEN. He was.

TESTIMONY OF DR. WILLIAM S. WHITE—Recalled.

Mr. LAMBERT. I believe you desire to make a statement?

Dr. WHITE. Yes, sir.

I wish to state to the committee that on the 4th or 7th of July, 1895, I furloughed all the girls, and I had nothing to do. I recalled them on the 17th day of October, 1895, the same year, almost six months. There probably have been a half dozen days that one or two girls were there, but there were five and a half months in the year when they had nothing to do at all. Mrs. Jelen was confined on the 12th day of December, 1895, and Mr. Jelen came and asked me——

The CHAIRMAN. She was confined during the period to which you have referred, when the girls were furloughed?

Dr. WHITE. Yes, sir; I can bring the books and prove it by the books, which are now at South Omaha.

TESTIMONY OF L. SCHIBSBY.

L. SCHIBSBY, being duly sworn, testified as follows:

The CHAIRMAN. What is your occupation?

Mr. SCHIBSBY. Tagger.

The CHAIRMAN. Do you desire to make a statement to the committee?

Mr. SCHIBSBY. No.

The CHAIRMAN. At whose instance were you subpœnaed to appear here?

Mr. SCHIBSBY. I got a telephone message.

The CHAIRMAN. You came at the instance of Dr. Ayer?

Mr. SCHIBSBY. He told me you wanted me.

The CHAIRMAN. Is there any particular matter in regard which Dr. Ayer requested you to testify?

Mr. SCHIBSBY. No. I think it was about having testified before. I think it is the same matter.

The CHAIRMAN. You did testify before?

Mr. SCHIBSBY. Yes, sir.

The CHAIRMAN. Do you know of the fact that Dr. White absented himself from the office during business hours?

Mr. SCHIBSBY. No.

The CHAIRMAN. Did he practice his profession while he was on duty?

Mr. SCHIBSBY. I do not know anything about that.

The CHAIRMAN. You know nothing about his efficiency as an officer?

Mr. SCHIBSBY. No, sir.

The CHAIRMAN. Do you know why it was that he was removed?

Mr. SCHIBSBY. No.

The CHAIRMAN. If you desire to make any statement we shall be glad to hear it.

Mr. SCHIBSBY. I do not desire to make any statement.

TESTIMONY OF JOSEPH BUTLER—Recalled.

JOSEPH BUTLER, being recalled, testified as follows:

Mr. DUNN. I think you testified about calling on Mr. Martin and that he requested you to do political work?

Mr. BUTLER. Yes, sir.

Mr. DUNN. Did he do anything that was calculated to aid you in doing the political work he desired performed?

Mr. BUTLER. I do not know in that regard.

Mr. DUNN. State whether or not he paid you money last year to be used for political purposes?

Mr. BUTLER. He gave me some money to spend among the boys.

Mr. DUNN. Whom did he mean when he referred to the boys; the members of the department?

Mr. BUTLER. He asked me if I would support Palmer and Buckner. I said I would not lose my vote. "You know how I stand toward Mr. Bryan," and from that I supposed he inferred that I would spend the money for McKinley.

Mr. DUNN. Do you know any other members of the department who received money from him to spend among the boys and to do political work?

Mr. BUTLER. Mr. Sherlock and Mr. Leddy.

Mr. DUNN. Do you know about what sums of money Mr. Martin gave to each of those boys to be spent in the interest of some political candidate?

Mr. BUTLER. I can not say.

Mr. DUNN. What about the amount you received?

Mr. BUTLER. I do not suppose that is a matter ——

Mr. DUNN. I withdraw the question.

Mr. BUTLER. It is not necessary.

Mr. DUNN. You worked with Mr. Zeller?

Mr. BUTLER. I did.

Mr. DUNN. What do you know about his efficiency in the department?

Mr. BUTLER. I worked with him when he was foreman, when I first went down there, and I worked with him in two different houses elsewhere, and I always considered him an excellent man, the most competent man we had down there.

Mr. DUNN. You never heard any complaint as to his work?

Mr. BUTLER. None whatever.

Mr. DUNN. Do you know Mr. Holmes?

Mr. BUTLER. Yes, sir.

Mr. DUNN. Do you know anything about his work?

Mr. BUTLER. He was a stock examiner and I was a tagger. When I have talked with Mr. Schirmer, under whose charge he was, he said he was a very competent man. He very often so expressed himself to me.

Mr. DUNN. Do you know Mr. Murphy?

Mr. BUTLER. Yes, sir.

Mr. DUNN. Do you know anything about his work?

Mr. BUTLER. I never worked with him, but Dr. Blackwell always spoke very favorably of Mr. Murphy.

Mr. DUNN. He was the superior in charge of the department?

Mr. BUTLER. Of the Swift house, in which he worked.

TESTIMONY OF D. J. CAMPBELL.

D. J. CAMPBELL, being duly sworn, testified as follows:

Mr. LAMBERT. Are you acquainted with the competency or efficiency of Dr. Ayer in the discharge of the duties he is now undertaking to perform?

Mr. CAMPBELL. I do not know that I would be capable of judging a n's competency to fill the position he does, I being a subordinate der him.

Mr. LAMBERT. Do you know?

Mr. CAMPBELL. I think some of his decisions or his judgment has en rather poor.

The CHAIRMAN. You are not prepared to make a statement as to his npetency?

Mr. CAMPBELL. Hardly, I think.

Mr. LAMBERT. You are acquainted with the competency and effi- ncy of Mr. Henry Beal?

Mr. CAMPBELL. Yes, sir; I worked with Mr. Beal.

Mr. LAMBERT. You may state what it is.

Mr. CAMPBELL. I think Mr. Beal was a very competent man in the siness. He always handled hogs. That was where we were work- g—in the hog department. He had raised and butchered hogs and knew them pretty well.

Mr. LAMBERT. Did you ever hear any complaint against him?

Mr. CAMPBELL. I never did.

Mr. LAMBERT. Was he always punctual?

Mr. CAMPBELL. Yes, sir; he was always there.

Mr. LAMBERT. Are you acquainted with the competency and efficiency Mr. George Guy?

Mr. CAMPBELL. Mr. Guy and I never worked together.

Mr. LAMBERT. If you do not know, say so?

Mr. CAMPBELL. I am not capable of answering in that case.

Mr. LAMBERT. How about any of the other people who were removed?

Mr. CAMPBELL. The other gentlemen I worked with in tagging.

Mr. LAMBERT. Whom do you mean by "other gentlemen?"

Mr. CAMPBELL. Mr. Zeller. I worked with Mr. Zeller quite a little en he first went on the work. I think he was a very good man in e business.

Mr. LAMBERT. Mr. Holmes?

Mr. CAMPBELL. Mr. Holmes I did not work with. I never heard any nplaint of him.

Mr. LAMBERT. Mr. Murphy?

Mr. CAMPBELL. I never worked with Mr. Murphy.

Mr. LAMBERT. Mr. Seay?

Mr. CAMPBELL. No, sir; I never worked with him. We were in ferent places of business.

Mr. LAMBERT. Do you know any reason for your suspension?

Mr. CAMPBELL. I do not. I never was complained of as to any work ver did. I was always there, and I never missed a day, as the record ll show.

Mr. LAMBERT. Did you ever prior to your removal have a conversa- n with Dr. Ayer respecting your work?

Mr. CAMPBELL. Yes, sir; I have.

Mr. LAMBERT. What did Dr. Ayer say to you in that conversation?

Mr. CAMPBELL. Dr. Ayer gave me to understand or told me that my ting was good; that all I had to do was to attend to my business and ere would be no trouble; that he had no fault to find.

Mr. LAMBERT. Did he ever say to you before your removal or since at he preferred charges or made complaints to the Department at ashington about you?

Mr. CAMPBELL. No, sir. Since I was suspended I have asked him he knew why I was discharged, and he said he did not know; that knew nothing of why it was.

Mr. LAMBERT. He knew nothing of why it was?
Mr. CAMPBELL. No, sir.
Mr. LAMBERT. Did you ever call Dr. White during his working hours?
Mr. CAMPBELL. I never did.
Mr. LAMBERT. Do you know whether he was ever asked for by your family or any member thereof?
Mr. CAMPBELL. I think he was for the family when I was away at work. I had a boy who was sick and I think my wife sent for him one day.
Mr. LAMBERT. Did he go during working hours?
Mr. CAMPBELL. No, sir; he would not go.
Mr. LAMBERT. He refused to go?
Mr. CAMPBELL. He refused to go. He came later.

TESTIMONY OF GEORGE HOLMES.

GEORGE HOLMES, being duly sworn, testified as follows:

Mr. DUNN. Do you reside in the city of Omaha?
Mr. HOLMES. Yes, sir.
Mr. DUNN. What has been your business during the last two years?
Mr. HOLMES. Steward of the Jacksonian Club.
Mr. DUNN. State whether or not James Murphy is a member of that club.
Mr. HOLMES. Yes; he is.
Mr. DUNN. State whether or not during the last year and a half, or the year prior to the time when Mr. Murphy was suspended from the position of tagger in the Bureau of Animal Industry at South Omaha, you saw him frequently.
Mr. HOLMES. I saw him every day or so, with one or two exceptions.
Mr. DUNN. Mr. Murphy was a regular visitor at the club rooms?
Mr. HOLMES. Yes, sir; he was there very often.
Mr. DUNN. State whether or not as steward of the club you have had an opportunity to learn whether Mr. Murphy indulged in the use of intoxicating liquors during that time.
Mr. HOLMES. Yes, sir.
Mr. DUNN. The club dispenses intoxicating liquors at all times?
Mr. HOLMES. Yes, sir.
Mr. DUNN. State whether or not during the time mentioned Mr. Murphy, at the club rooms, or anywhere else that you know of, indulged to any extent in the use of intoxicants.
Mr. HOLMES. I know that he has never taken intoxicants of any kind. I am well acquainted with him and go home with him every evening, or nearly every evening.
Mr. DUNN. It would scarcely have been possible for Mr. Murphy to have used intoxicating liquors to any extent during that period without your knowing something of it?
Mr. HOLMES. No, sir.

TESTIMONY OF JAMES D. MURPHY—Recalled.

JAMES D. MURPHY, being recalled, testified as follows:

Mr. DUNN. You heard the testimony of Mr. Conoyer this morning?
Mr. MURPHY. Yes, sir.
Mr. DUNN. I will ask you whether or not during the last year and a

half, at any time after your first rating by the Department in the fall of 1896, you have at any time and to any extent used intoxicating liquors?

Mr. MURPHY. For two years I have not tasted a drop of any intoxicant.

Mr. DUNN. State whether or not during that time you were absent from the department at South Omaha, or from your work, by reason of the use of intoxicants.

Mr. MURPHY. No, sir.

Mr. DUNN. State why, if you remember, you were absent on the 5th day of November? I think that is the day which he mentioned.

Mr. MURPHY. That was in 1895?

Mr. DUNN. Yes.

Mr. MURPHY. I can not exactly recall, but I think possibly it was because of something in regard to the election. I was absent on election day, which was one of the days of which he speaks.

Mr. DUNN. The election was either on the 4th or the 5th, was it not?

Mr. MURPHY. Yes, sir. I should like to make another statement.

Mr. DUNN. Is it anything of importance?

Mr. MURPHY. It is in regard to Mr. Conoyer's testimony.

Previous to my giving testimony before Mr. Huston, the civil service agent who was here, Mr. Conoyer was very friendly with me. From that time until I was suspended he has never spoken to me, and I have heard from other employees that he was very bitter against me for my testimony in stating that he talked politics.

Mr. DUNN. Have you ever had any trouble with Mr. Conoyer?

Mr. MURPHY. Nothing any more than my testimony before the agent of the Civil Service Commission.

Mr. DUNN. Up to that time you were friendly?

Mr. MURPHY. Yes, sir; and the second day after that he stopped speaking to me, and he has not spoken to me since.

The CHAIRMAN. You say you did not use any spirits during the period mentioned by Mr. Conoyer?

Mr. MURPHY. No, sir; I have not even tasted them. In regard to the letter from the Secretary of Agriculture, which was put in evidence, I will state that I did not at that time think it was justice that I should receive such a letter. Dr. Ayer had no ground for reporting it. He must have reported it. I went to Euclid Martin at that time at his place of business and told him about the matter, and told him how long it had been before that since I had tasted any liquor of any kind, and that I thought it was an injustice to send me a letter of that kind.

Mr. DUNN. The letter was received some time after you had used liquor in any form?

Mr. MURPHY. Yes, sir; a long time afterwards.

TESTIMONY OF JOHN ZELLER—Recalled.

JOHN ZELLER, being recalled, testified as follows:

Mr. DUNN. Have you come in contact with Mr. Murphy directly during the last couple of years?

Mr. ZELLER. Almost daily.

Mr. DUNN. State whether or not, during the last year and half or two years of his employment, he was to any extent in the habit of using intoxicating liquors.

Mr. ZELLER. He was not.

Mr. DUNN. Your association and meeting with him were so frequent that had he been incapacitated to any extent from the use of liquor you would have known it?

Mr. ZELLER. Yes, sir; I would.

TESTIMONY OF WILLIAM HOLMES—Recalled.

WILLIAM HOLMES, being recalled, testified as follows:

Mr. DUNN. You have known Mr. Murphy during all the time mentioned in this testimony?

Mr. HOLMES. I have.

Mr. DUNN. State whether or not you have met him frequently during the last year or two when he was in the employ of the department at South Omaha?

Mr. HOLMES. I have.

Mr. DUNN. State whether or not he was in the habit of indulging in intoxicating liquors to any extent during that time?

Mr. HOLMES. He was not.

Mr. DUNN. Your meetings with him were so frequent that you would have detected such a thing if it had occurred?

Mr. HOLMES. Yes, sir. There is one statement I wish to make in regard to Mr. Guy.

Mr. DUNN. What is it?

Mr. HOLMES. When I was first employed and went to work there I met Mr. Guy quite frequently. I used to go down to his abattoir. We had instructions to go down and assist one another. I found him there always to attend to his duties and regarded him as a very competent man.

At 3 o'clock and 30 minutes p. m. the subcommittee adjourned.

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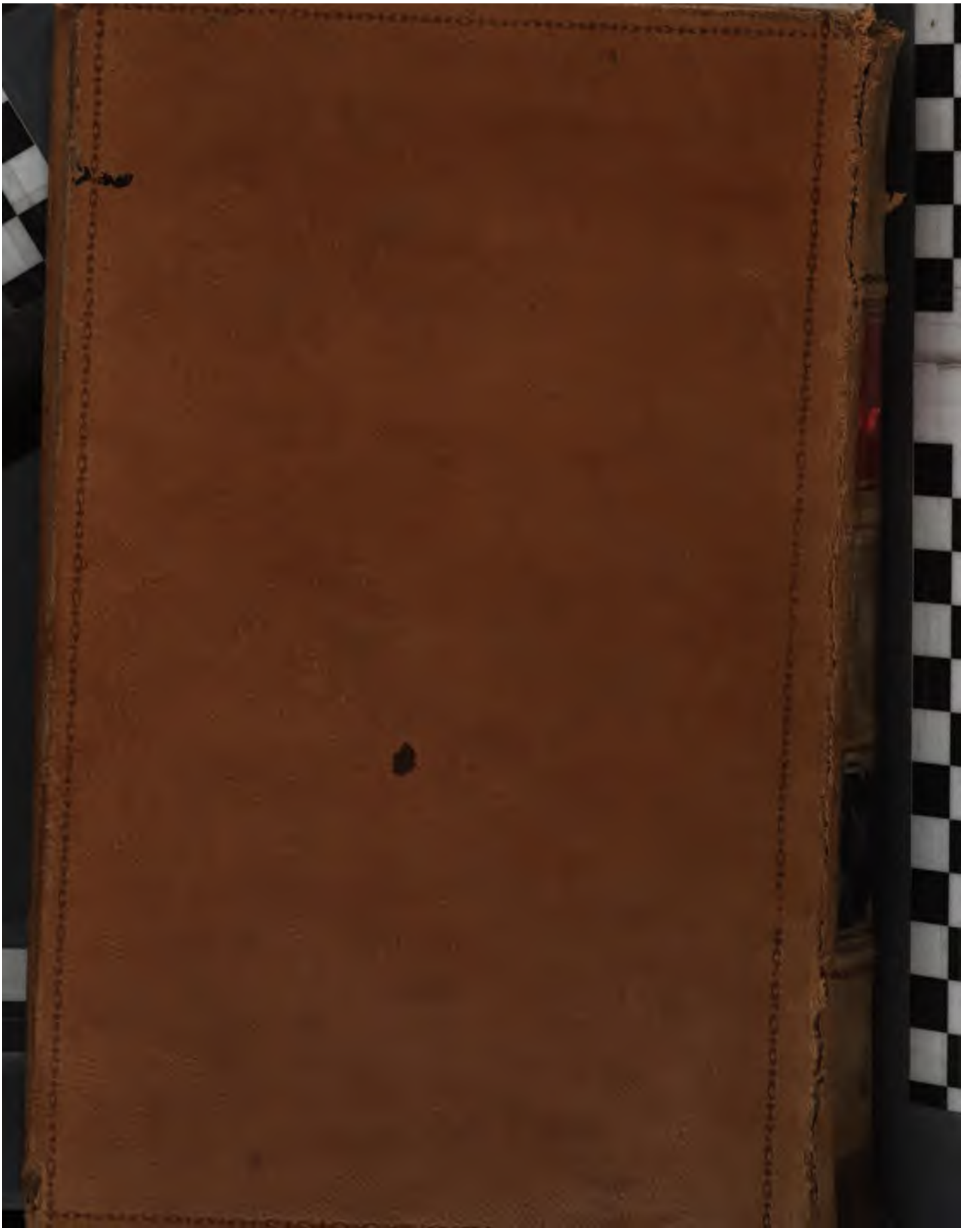
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